

AGENDA

Ordinary Council Meeting

on

WEDNESDAY

28 NOVEMBER 2012

at

19:00



MUNICIPALITY OF SWAKOPMUND



(064) 4104206



(064) 4104121



53 Swakopmund
NAMIBIA



agebhardt@swkmun.com.na

Ref No A 2/3/5

Enquiries: A Gebhardt

20 November 2012

The Mayor and Councillors
Municipality
SWAKOPMUND

Dear Sir / Madam

NOTICE: ORDINARY COUNCIL MEETING

Notice is hereby given of an **ORDINARY COUNCIL MEETING** to be held in the Council Chambers, Municipal Office Building, Swakopmund on:

WEDNESDAY, 28 NOVEMBER 2012 at 19:00,

**E U W Demasius
CHIEF EXECUTIVE OFFICER**

AG/-

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1. **OPENING**

2. **APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATION OF INTEREST**

2.1 Application for leave of absence.

2.2 Declaration of interest.

3. **CONFIRMATION OF MINUTES**

(C/M 2012/11/28 - A 2/3/5)

3.1 Minutes of an **Ordinary Council Meeting** held on **25 October 2012**.
(pp 149/2012 - 167/2012)

3.2 Minutes of an **Extra-Ordinary Council Meeting** held on **16 November 2012**.
(pp 171/2012 - 173/2012)

4. **INTERVIEWS WITH DEPUTATIONS OR PERSONS SUMMONED OR REQUESTED TO ATTEND THE MEETING**

None.

5. **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS**

5.1 Announcements by the Mayor and Chairperson of Council.

5.2 Long Service Awards.

6. **PETITIONS**

None.

7. **MOTIONS OF MEMBERS**

None.

8. **ANSWERS TO QUESTIONS OF MEMBERS OF WHICH NOTICE WAS GIVEN**

None.

9. **FEEDBACK REPORT ON THE EXECUTION OF RESOLUTIONS
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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY
MANAGEMENT COMMITTEE DURING OCTOBER 2012 AND
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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS
MANAGEMENT COMMITTEE MEETINGS HELD IN NOVEMBER 2012**

10 (A) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 25 OCTOBER 2012**

5. **DISCUSSION POINTS**

5.1 **NOTICE OF MOTION: ALLEGATIONS OR CONCERNS OF A POSSIBLE
TENDER COLLUSION BY MESSRS DMA HOLDINGS, MESSRS PRECISION
CONSTRUCTION, MESSRS PANDORA'S CONSTRUCTION AND MESSRS
ELITE CONSTRUCTION**

(S/M/C 2012/10/25 - N 8/11, D 16/2)

During the discussion of this item, Councillor A N Bessinger declared his interest in the matter due to his acquaintance with Advocate Esi Shimming-Chase. The Chief Executive Officer briefed the meeting on the progress of the case. It was:-

RESOLVED:

That the interest declared by Councillor A N Bessinger on the matter be noted.

5.2 **REZONING OF ERF 3777, SWAKOPMUND FROM "UNDETERMINED" TO
"GENERAL BUSINESS" WITH A BULK OF 2.0; CONSENT TO COMMENCE
WITH CONSTRUCTION ON ERF 3777 WHILE THE REZONING IS IN
PROCESS; SIMULTANEOUSLY THE CONSOLIDATION OF ERVEN 3656
AND 3777 SWAKOPMUND INTO CONSOLIDATED ERF X; REZONING OF
ERVEN RE/444, 466 AND 773 SWAKOPMUND FROM "PARASTATAL" TO
"GENERAL BUSINESS" WITH A BULK OF 2.0 AND SIMULTANEOUSLY
THE CONSOLIDATION OF ERVEN RE / 444, 466 AND 773 INTO
CONSOLIDATED ERF Y; CONSENT TO COMMENCE WITH
CONSTRUCTION ON CONSOLIDATED ERF Y**

(S/M/C 2012/10/24 - E 3777, E 3656, E 444/ RE, E 466, E 773)

RESOLVED:

That this item be referred back and be resubmitted to the next Special management Committee meeting.

10 (B) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 02 NOVEMBER 2012**

5. **DISCUSSION POINTS**

5.1 **PRESENTATION: YOUTH DEVELOPMENT WORK PLAN 2012 AND
PROPOSED ACTIVITIES**

(S/M/C 2012/11/02 - B 1/1/12)

During the discussion of this item, the General Manager: Community Development Services gave introductory remarks on the Youth Development Plan 2012 and the proposed activities. The Manager: Community Development Services outlined the project implementation synergies and the current state of local youth whilst the Youth Development Officer, presented the Youth

Development Work Plan 2012. After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

- (a) That the Baseline Study and Youth Development Policy be budgeted for the 2013 / 2014 Financial Year.
- (b) That the proposed strategies and activities be approved.
- (c) That the Work Plan be approved and be reviewed after 1 (one) year of implementation.
- (d) That the General Manager: Community Development Services investigates the possibility of ensuring that 30% of the workforce composition of Municipal tender beneficiaries are youth and report back to Management Committee.

5.2 **THE PROCESS OF FORMALIZING THE DEMOCRATIC RESETTLEMENT COMMUNITY (DRC)**
(S/M/C 2012/11/02 - H 5/4)

RESOLVED:

That this item be referred back and be resubmitted to a Special Management Committee to be held at a date to be determined by the Chief Executive Officer.

10 (C) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 15 NOVEMBER 2012**

2. (A) **CONFIRMATION OF MINUTES**
(M/C 2012/11/15 - A 2/3/5)

2.1 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 04 OCTOBER 2012**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of a Special Ordinary Management Committee meeting held on 04 October 2012 be confirmed as correct, subject to the following:

That item 5.2 be amended as follows:

During the discussion of this item Councillor A N Bessinger informed the meeting he will not participate in the discussion on this matter because he believe that what the developer did is illegal and that he does not agree with any decision taken by Council on the matter. It was:-

RESOLVED:

- (a) That it be recorded that Councillor A N Bessinger did not participate in the discussion on this matter because he believed that what the developer did

is illegal and that he does not agree with any decision taken by Council on the matter.

- (b) That the briefing by Mr G van der Merwe of Messrs Fiscon Investment regarding their application for the leasing of a portion of Erf 2747, Swakopmund be noted.
- (c) That the item be resubmitted to the Management Committee for consideration and the two issues i.e. Beach Hotel Development and the application to lease a portion of Erf 2747, Swakopmund be submitted separately.

2.2 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD ON 11 OCTOBER 2012**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of an Ordinary Management Committee meeting held on 11 October 2012 be confirmed as correct.

2.3 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 25 OCTOBER 2012**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of a Special Management Committee meeting held on 25 October 2012 be confirmed as correct.

2.4 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 02 NOVEMBER 2012**

On proposal of Councillor N N Salomon seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of a Special Management Committee meeting held on 02 November 2012 be confirmed as correct.

5. **REPORTS: HEADS OF DEPARTMENTS**

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2012/11/15 - D 7/3/2/1)

RESOLVED:

That the total expenditure of N\$26 431 496.65 for the period 01- 30 October 2012 be accepted and approved as correct.

7. **MATTERS REFERRED BY PREVIOUS COUNCIL- AND MANAGEMENT COMMITTEE MEETINGS**

7.1 **PERMANENT CLOSURE OF MANTA STREET: CONCERNS OF RESIDENTS OF VINETA LIVING IN THE VICINITY**

(M/C 2012/11/15 - E 1919, N 8/10/2/30)

RESOLVED:

That this item be referred back for reconsideration of the application by Dr Q Gurirab and be resubmitted to the next Management Committee meeting.

7.2 **SCIENTIFIC SOCIETY OF SWAKOPMUND: INCREASED RENTAL TARIFF**

(M/C 2012/11/15 - E 1/5)

RESOLVED:

That in future all relevant correspondence must be included in submissions.

7.5 **CONSTRUCTION PHASES FOR THE MULTI-PURPOSE CENTRE**

(M/C 2012/11/15 - M 4348)

RESOLVED:

That the General Manager: Community Development Services determines the progress made on Phase 1 as resolved by Council on 26 July 2012 and that should there be no progress the status quo as recommended below remains but should there be progress, the sequence be amended accordingly.

7.6 **PROPOSAL: COMMUNITY CULTURAL TOURIST CENTRE**

(M/C 2012/11/15 - H 2/13)

RESOLVED:

That this item be referred back for further investigation and be resubmitted to Management Committee.

7.7 **APPLICATION TO PURCHASE A STREET PORTION ADJACENT TO ERF 4089, MONDESA**

(M/C 2012/11/15 - M 4089)

RESOLVED:

That this item be referred back for further investigation and be resubmitted to Management Committee, with specific reference to the type of services on the erf, the reasons why the property may not be rezoned and more information on the transaction of Ms N Kameho.

7.9 **AMENDMENT OF PORTION SIZE: SUBDIVISION OF THE
REMAINDER OF ERF 1803, MONDESA INTO PORTION A AND THE
REMAINDER**

(M/C 2012/11/15 - M 1803)

RESOLVED:

That the Chief Executive Officer submits the item regarding the sale of the Meduletu Hall to Mr P Jonas to the next Management Committee meeting.

7.12 **SUBDIVISION OF ERF 2364, MONDESA**

(M/C 2012/11/15 - H 5/3, M 2364)

RESOLVED:

- (a) That this item be referred back for further investigation and be resubmitted to Management Committee.
 - (b) That the General Manager: Community Development Services submits a map of the area where the houses are situated and a report on financial implications.
-

7.16 **FEEDBACK: TRANSFER OF ERF 4326 (A PORTION OF ERF 63,
MONDESA), MONDESA IN THE NAME OF MESSRS MONDESA
PROPERTY INVESTMENT CC**

(M/C 2012/11/15 - M 4326)

During the discussion of this item Councillor J Kambueshe declared his interest in the matter and recused himself from the discussion. It was:-

RESOLVED:

That the interest declared by Councillor J Kambueshe and the fact that he left the chambers during the discussion be noted.

7.17 **FEEDBACK REPORT: ESTABLISHMENT, OPERATION AND
FINANCING OF PPP ARRANGEMENT WITHIN THE SWAKOPMUND
MUNICIPALITY**

(M/C 2012/11/15 - A 2/3/15)

RESOLVED:

That this item be referred back for further investigation and be resubmitted to Management Committee with the original aims and objectives of the PPP.

7.18 **DECENTRALISED BUILD TOGETHER COMMITTEE MEMBERS**

(M/C 2012/11/15 - H 5/3)

RESOLVED:

- (a) That the Decentralized Build Together Committee (DBTC) members arrange a meeting and elects three members and that the remaining three members serve as alternate members.

- (b) That the General Managers: Finance and Community Development Services be withdrawn from the Decentralized Build Together Committee as per Policy directive.
- (c) That the new names be submitted to Management Committee before it is forwarded to the Ministry of Regional Local Government Housing and Rural Development.

7.19 **PROGRESS REPORT OF THE BENGUELLA LOW COST HOUSING PROJECT PHASE 1**

(M/C 2012/11/15 - M 630)

RESOLVED:

- (a) That the progress report submitted by the General Manager: Community Development Services regarding Phase 1 of the Benguella Low Cost Housing Project be noted.
- (b) That the General Manager: Finance submits a progress report on the saving scheme proposal submitted to the Ministry of Regional and Local Government, Housing and Rural Development by Council.

7.20 **REPORT: VISIT BY THE REPRESENTATIVES OF THE MINISTRY OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT**

(M/C 2012/11/15 - H 5/3)

RESOLVED:

That the report (on file) submitted by the General Manager: Community Development Services regarding the visit by the representatives of the Ministry of Regional and Local Government, Housing and Rural Development be noted and that it be implemented as recommended.

7.21 **REPORT MAYORAL SOCCER CUP 2012**

(M/C 2012/11/15 - A 2/3/2/1/7)

RESOLVED:

- (a) That the report by the Chief Executive Officer regarding the Mayoral Soccer Cup 2012 held from 29- 30 September 2012, be noted.
 - (b) That the General Manager: Community Development Services makes a submission to Management Committee, listing all other sports codes e.g. chess, rugby, volleyball, etc, which can be included in the event in the future.
-

8. **POLICY MATTERS**

8.1 **PROVISION OF FIRE FIGHTING EQUIPMENT**

(M/C 2012/11/15 - N 3)

RESOLVED:

That this item be referred back for further investigation and be resubmitted to Management Committee.

8.4 **INTERNAL AUDIT REPORT: HOUSING SERVICE**

(M/C 2012/11/15 - D 10/1)

During the discussion of this item Councillor N N Salomon requested all the General Managers to attend to the recommendations recorded by the Auditors and that they improve the policies accordingly. It was:-

RESOLVED:

That the Chief Executive Officer ensures that Policies are improved in order to address the recommendations of the Audit reports.

8.5 **INTERNAL AUDIT REPORT: PLANNING & BUILDING CONTROL**

(M/C 2012/11/15 - D 10/1)

During the discussion of this item Councillor N N Salomon requested all the General Managers to attend to the recommendations recorded by the Auditors and that they improve the policies accordingly. It was:-

RESOLVED:

That the Chief Executive Officer ensures that Policies are improved in order to address the recommendations of the Audit reports.

8.6 **INTERNAL AUDIT REPORT: ERVEN SALES & RENTALS**

(M/C 2012/11/15 - D 10/1)

During the discussion of this item Councillor N N Salomon requested all the General Managers to attend to the recommendations recorded by the Auditors and that they improve the policies accordingly. It was:-

RESOLVED:

That the Chief Executive Officer ensures that Policies are improved in order to address the recommendations of the Audit reports.

8.7 **INTERNAL AUDIT REPORT: EXPENDITURE & STORES**

(M/C 2012/11/15 - D 10/1)

During the discussion of this item Councillor N N Salomon requested all the General Managers to attend to the recommendations recorded by the Auditors and that they improve the policies accordingly. It was:-

RESOLVED:

That the Chief Executive Officer ensures that Policies are improved in order to address the recommendations of the Audit reports.

8.8 **INTERNAL AUDIT REPORT: HALLS & SPORTS GROUNDS**
(M/C 2012/11/15 - D 10/1)

During the discussion of this item Councillor N N Salomon requested all the General Managers to attend to the recommendations recorded by the Auditors and that they improve the policies accordingly. It was:-

RESOLVED:

That the Chief Executive Officer ensures that Policies are improved in order to address the recommendations of the Audit reports.

8.9 **INTERNAL AUDIT REPORT: TRAFFIC**
(M/C 2012/11/15 - D 10/1)

During the discussion of this item Councillor N N Salomon requested all the General Managers to attend to the recommendations recorded by the Auditors and that they improve the policies accordingly. It was:-

RESOLVED:

That the Chief Executive Officer ensures that Policies are improved in order to address the recommendations of the Audit reports.

8.10 **SALE / ALLOCATION OF RESIDENTIAL ERVEN AT EXTENSION 9, MONDESA (PDA)**
(M/C 2012/11/15 - H 5/7)

RESOLVED:

That this item be referred back pending the identification of the erven with substations and the appointment of the Build Together Committee.

8.11 **APPLICATION FOR INSTITUTIONAL LAND: TANBEN COLLEGE**
(M/C 2012/11/15 - E 3342)

RESOLVED:

That this item be referred back for the comments of the Town Planner and be resubmitted to Management Committee.

8.12 **APPLICATION FOR INSTITUTIONAL LAND: PRO-ED AKADEMIE**
(M/C 2012/11/15 - G 3/9/12, E 5824, E 5845)

RESOLVED:

That this item be referred back for the comments of the Town Planner and be resubmitted to Management Committee.

8.13 **APPLICATION FOR INSTITUTIONAL LAND: SCHOOL OF EXCELLENCE**

(M/C 2012/11/15 - E 4666, E 4650)

RESOLVED:

That this item be referred back for the comments of the Town Planner and be resubmitted to Management Committee.

9. **PERSONNEL MATTERS**

9.1 **APPOINTMENT OF CONTRACTORS TO PERFORM STREET AND OPEN SPACE CLEANING DUTIES**

(M/C 2012/11/15 - A 2/3/15)

RESOLVED:

That the General Manager: Health Services invites service providers for expression of interest in the cleaning of Mondesa, Tulinawa, Omulondo and the DRC for a six month trial period.

9.10 **FINAL CONSULTATION: ADDITIONAL CAPITAL BUDGET REQUEST**

(M/C 2012/11/15 - A 2/3/12)

RESOLVED:

- (a) That the permission granted by the Chief Executive Officer in consultation with the Chairperson of the Management Committee to the General Manager: Finance and Town Planner to attend the Additional Capital Budget consultative meeting with the Ministry of Regional and Local Government, Housing and Rural Development on 29 October 2012 be condoned.
 - (b) That subsistence and travelling allowances be defrayed from the relevant departmental votes.
 - (c) That special leave be granted to the staff members during this period.
-

9.11 **INVITATION: CONSULTATIVE WORKSHOP ON DRAFT DISASTER RISK MANAGEMENT REGULATIONS**

(M/C 2012/11/15 - A 1/3/6)

RESOLVED:

- (a) That the permission granted by the Chief Executive Officer for the Chief Fire Officer (Mr A Goosen) to attend the Consultative Workshop on the implementation of the Disaster Risk Management (DRM) Act held on 15 and 16 October 2012 in Mariental be condoned.
- (b) That the subsistence and travelling allowance be defrayed from the Conference Expenses Vote 201010206500 where N\$20 000.00 is budgeted.

- (c) That special leave be granted to the Chief Fire Officer during this period.

9.12 **INVITATION: REGIONAL EMERGENCY MANAGEMENT UNIT (REMU) MEETING**

(M/C 2012/11/15 - A 1/3/6)

RESOLVED:

- (a) That the permission granted by the Chief Executive Officer for the Deputy Chief Fire Officer (Mr G Kotzee) to attend the Regional Emergency Management Unit (REMU) meeting held on 17 October 2012 in Karibib be condoned.
- (b) That the subsistence and travelling allowance be defrayed from the Conference Expenses Vote 201010206500 where N\$20 000.00 is budgeted.
- (c) That special leave be granted to the Deputy Chief Fire Officer during this period.

9.13 **INDUSTRIAL RELATIONS TRAINING WORKSHOP**

(M/C 2012/11/15 - B 1/4/8)

RESOLVED:

- (a) That the permission granted to the Industrial Relations Officer to facilitate the workshop on Industrial Relations in Otjiwarongo on 12-14 November 2012 be condoned.
 - (b) That special leave be granted to the Industrial Relations Officer during this period.
 - (c) That Council approves an advance payment to him for travelling, accommodation and incidental expenses related to the workshop and recover the expenses so incurred from the Ministry of Regional and Local Government, Housing and Rural Development.
 - (d) That the General Manager: Corporate Services and Human Resources obtain a signed copy of the letter (on file) from the Ministry of Regional and Local Government, Housing and Rural Development.
-

10. **MATTERS NOT ON THE AGENDA, BUT DISCUSSED WITH PERMISSION OF THE CHAIRPERSON**

10.3 **APPLICATION FOR PERMISSION TO OPERATE A PLACE OF INSTRUCTION – SCHOOL OF EXCELLENCE**

(M/C 2012/11/15 - E 1328)

During the discussion of this item Mr A van der Westhuizen declared his interest in the matter and recused himself from the discussion. It was:-

RESOLVED:

- (a) That the interest declared by Mr A van der Westhuizen and the fact that he left the chambers during the discussion be noted.
- (b) That the submission be revised to reflect that the application is for a site in a mixed use area with the State Hospital, Swakopmund Secondary School, Tourism business and Light Industrial business in close proximity and that Council also approved another place of instruction on Erf 536, Swakopmund, which is in the same area.

10.5 **PROPOSALS: NORTHERN DEVELOPMENT BEACHFRONT**

(M/C 2012/11/15 - N 7/2/8)

RESOLVED:

That this item be referred back and that the Chief Executive Officer submits the original design of the Beachfront Development to Management Committee.

10.6 **REPORT: SAIMSA GAMES 2012, GABORONE BOTSWANA**

(M/C 2012/11/15 - J 10/1)

RESOLVED:

That this item be referred back and that the General Manager: Health Services separates the submission i.e. the report for the SAIMSA Games 2012 and the preparations for 2013 Games and resubmit it to the next Management Committee meeting.

10 (D) **MINUTES OF A SPECIAL MANAGEMENT MEETING HELD ON 15 NOVEMBER 2012**

5. **DISCUSSION POINTS**

5.1 **APPLICATION FOR LAND AT BLOCK 9 FOR THE PURPOSE OF A MULTI-DISCIPLINARY PRIVATE HOSPITAL / PRIMARY HEALTHCARE CLINIC, VETERINARY HOSPITAL AND DOCTORS / NURSING QUARTERS**

(S/M/C 2012/11/15 - G 4/1/1)

During the discussion of this item, Mr J Henn of Messrs Medical Diagnostic Centres (MDC) Namibia (Pty) Ltd motivated the application for a 1.5ha piece of land at Block 9 for the purpose of constructing a Multi-disciplinary healthcare facility. He indicated that the facility will mainly use solar energy for heating purposes whilst an incinerator will be

constructed for the disposal of medical waste. The project is similar to Ongwediva Medi-Park and will incorporate a nurses home on the premises.

During the discussion of this item Councillor A N Bessinger declared interest in the matter and recused himself from the discussion.

After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

- (a) That the interest declared by Councillor A N Bessinger and the fact that he recused himself from the discussion be noted.
- (b) That the application of Messrs Medical Diagnostic Centres for 1.5ha of land in Block 9 be noted and that an alternative piece of land be identified for the applicant.

5.2 **DEVELOPMENT OF A MATERIAL RECOVERY FACILITY (MRF) AT AND THE MANAGEMENT OF THE LANDFILL SITE IN SWAKOPMUND**

(S/M/C 2012/11/15 - G 1/1)

During the discussion of this item, Mr T Palander, the Honorary Consul of the Republic of Namibia in Finland, briefed the meeting about the objectives of the project. He indicated that they aim for zero-waste through the provision of environmental health education to the public. After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

- (a) That the presentation regarding the development of a Material Recovery Facility (MRF) and the management of the landfill site in Swakopmund be noted.
- (b) That the presentation be distributed to all Councillors.

10 (E) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 16 NOVEMBER 2012**

5. **DISCUSSION POINTS**

5.1 **THE PROCESS OF FORMALIZING THE DEMOCRATIC RESETTLEMENT COMMUNITY (DRC)**

(S/M/C 2012/11/16 - H 5/4)

RESOLVED:

- (a) That a public meeting be held on Saturday, 24 November 2012 at 10:00 in the DRC to inform the public regarding the processes that will be followed.
- (b) That the General Manager: Community Development Services coordinates and inform the public accordingly by all means possible.

- (c) That the Chief Executive Officer arranges a meeting for all Councillors to deliberate about the information to be given to the public.
-

5.2 **FINANCING OF THE DEVELOPMENT OF THE DEMOCRATIC RESETTLEMENT COMMUNITY (DRC)**

(S/M/C 2012/11/16 - H 5/4)

During the discussion of this item, Mr Adriaan Grobler introduced his team which included representatives of Messrs MPeace Developer Co (Pty) Ltd and Messrs Lithon Project Consultants (Pty) Ltd. Mr A Grobler outlined the details of their application which is a joint venture initiative for the establishment of new residential suburbs in Swakopmund Northern Area and DRC / PDA 2 Area through a Special Project Vehicle (SPV) with the Municipal Council of Swakopmund. After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

That this item be referred back and be resubmitted to Management Committee and that Messrs MPeace Developer Co (Pty) Ltd be informed to prepare a preliminary development proposal for consideration.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 15 NOVEMBER 2012**
- 11.1.1 **SCIENTIFIC SOCIETY OF SWAKOPMUND: INCREASED RENTAL TARIFF**
(C/M 2012/11/28 - E 1/5)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.2 page 09 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction

Council on **27 September 2012** approved the renewal of the lease agreement for a further three year period with **Messrs Scientific Society of Swakopmund** at an increased rental tariff of N\$23.13/m²/month.

Messrs Scientific Society of Swakopmund was informed of Council's resolution per letter dated **03 October 2012**.

An e-mail was received from the Treasurer, Mr A Von Der Pforte dated **8 October 2012** complaining about the increased rental tariff.

Messrs Scientific Society of Swakopmund was informed per letter dated **8 October 2012** that the rental tariff is a standard tariff for outside seating / open air cafes and that all renewals and new applications will be considered at the standard tariff.

Another e-mail was received from **Messrs Scientific Society of Swakopmund** dated **10 October 2012** enquiring whether their application for a lower tariff was not considered. (**Annexure "A"**)

2. Background

Messrs Scientific Society of Swakopmund leases a certain portion of the sidewalk adjacent to the Museum (5m on the western boundary and 3m on the northern boundary) measuring ±135.50m²; of which the lease period lapsed on **30 September 2012**.

Council on **30 July 2009** approved that the nominal rental be amended to **N\$13.92/month**, being a market related rental since it was identified that the venture is a well established business. The standard conditions apply, being a 10% annual escalation in July and a lease period of three (3) years.

3. Discussion

In order to ensure that all lessees of outside seating areas pay a standard rental per square meter, Council on **27 September 2012**

resolved that the monthly rental amount for the renewed lease agreement be increased from:

- N\$16.10 /m² to N\$23.13 /m², i.e.:

$135.50\text{m}^2 \times \text{N\$}16.10 = \text{N\$}2\ 181.55 + 15\% \text{ VAT, be increased to}$
 $135.50\text{m}^2 \times \text{N\$}23.13 = \text{N\$}3\ 134.11 + 15\% \text{ VAT}$

All lessees of pavement areas for outside seating pay the standard rental tariff of N\$23.13/m² per month, i.e.:

- ① Bundu n See,
- ② Bo Jo's Cafe,
- ③ Immenhof Farm Kitchen,
- ④ Tea Time CC,
- ⑤ Slowtown Coffee Roasters and
- ⑥ Kucki's Pub.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Messrs Scientific Society of Swakopmund be informed that Council considered their motivation for a lower tariff, but resolved to apply the standard rental tariff for outside seating; all future renewals and new applications will be considered at the standard rental tariff.
 - (b) That Messrs Scientific Society of Swakopmund be requested to confirm in writing whether they accept Council's conditions as approved on 27 September 2012 in order to advertise Council's intention to lease the pavement area to them in terms of the Local Authorities Act, Act 23 of 1992, as amended.
-

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 7.3 page 12 refers.

A. The following item was submitted to the Management Committee for consideration:

On World Environment Day (**5 June 2007**) Project Shine was launched by Her Worship the Mayor of Swakopmund, Cllr Rosina //Hoabes. The Project was aimed at cleaning the main road from Swakopmund to Arandis from all litter and especially glass and bottles dumped on the side of the road. The project was successfully completed and had an encouraging impact on raising awareness on a cleaner environment.

During 2008 Project Shine was taken to the shoreline between Henties Bay and Sandwich Harbour and the objective was to remove all pollutants from the shoreline. The campaign was sponsored by Namibia Breweries Ltd, Rio Tinto / Rössing Uranium, NAMPORT, Murray & Roberts, HAN, Walvis Bay Municipality, NEC Stahl, Smith Sales and Services, the Municipality of Swakopmund with the assistance of the Ministry of Fisheries and Marine Resources (MFMR) and the Ministry of Environment and Tourism (MET) and turned out to be a successful project. Project Shine was once again launched in 2009 and the focus was mainly to clean the desert from plastic bags and other pollutants.

The success of the projects as from 2007 until 2012, enthused the organizers to expand the scope of the project to include an educational leg and art competition during 2013. This venture is an activity prescribed in the RCE (Regional Center of Expertise) project charter.

The clean-up campaign organizers will once again invite the services of non-profitable organisations and the funds needed for the project will be sponsored by inter alia, The Namibian Breweries, Rössing Uranium/Rio Tinto, Plastic Packaging and the Swakopmund Municipality as main sponsors.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the General Manager: Health Services be mandated to proceed with the arrangements to host Project Shine 2013.**
 - (b) That an amount of N\$25 000.00 be transferred from the Pollution Control Fund to Vote 103541000100, to be used in addition to the funds deposited by the other main sponsors of Project Shine 2013, to cover the monthly payments to participants in the clean up project for 2013.**
 - (c) That the General Manager: Finance be authorized to make all requested payments related to the project and in accordance with the Municipal Financial Regulations.**
-

11.1.3 **PROPOSAL: DEVELOPMENT AND UPGRADING OF BUSINESS STALLS ON ERF 4352, MONDESA**

(C/M 2012/11/28 - M 4352, H 2/13)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 7.4 page 22 refers.

A. The following item was submitted to the Management Committee for consideration:

Management Committee on **11 October 2012** under item 8.3 resolved as follows:

- (a) *That this item be referred back and that an in loco inspection to be conducted (at a date to be determined by the Chief Executive Officer) in order to study the design.*
- (b) *That Messrs Downing Designs be invited to attend the in loco inspection.*
- (c) *That in future, the General Manager: Community Development Services submits the designs to Management Committee in colour.*

Unfortunately, the in loco inspection could not take place due to time limitations and the busy schedule of the Councillors. However, due to the urgency of the matter, Community Development Services Department has taken it upon them and revisited the site together with the draughtsman who compiled the drawings. It can therefore be confirmed that Site Plan 1 (**attached**) is correct and a true reflection of the buildings currently on the ground.

Site Plan A (as **attached**) reflects the market as it currently is and the specific units currently occupied by Messrs D D Welding, A Teofilus, MNK Properties and Omutumba Gwambwale are indicated as **"A", "B", "C" and "D"** respectively on the plan.

This project is a result of proposals that were called during August 2012 for the development and upgrading of the Business Stalls on Erf 4352, Mondesa. A compulsory site meeting was held on **17 August 2012** where project details and related issues were discussed and clarified. Four (4) draughtsman/ architectural firms were represented at the site meeting. The notice closed on **14 September 2012** and only one proposal (**as attached**) was received with a cost estimate of **N\$2 845 000.00**; which includes the following;

- *Project Establishment and Demolition*
- *New Buildings*
- *Alterations and Renovations of Existing Buildings*
- *Ablution Blocks*
- *Landscaping*
- *Art Project*
- *As well as Professional Fees*

The proposal received exceeds the amount of **N\$2 000 000.00** which is budgeted for the upgrading of the Business Stalls. The new design will cater for a food quad, a beauty quad (hair salon and barber shop, nail care), arts and crafts, manufacturing, sewing and repair workshops, offices as well as an administrative office. Although the new design also

caters for an Amphitheatre, this is not necessary as the multipurpose centre which is in close proximity to the Business Stalls already provides for an Amphitheater. The exclusion of the Amphitheatre will most likely bring down the cost. The design also includes a Kiddies Park and a Daycare Centre. These facilities should also be excluded as it should not form part of a market place, and the spaces will be utilized for other purposes i.e. more space for tenants.

The proposal received offer two options;

Option 1 (Site plan 2 attached) consists of 24 existing stalls and 13 newly constructed stalls. **Option 2** (Site plan 3 **attached**) consists of 22 existing stalls and 24 new stalls. Although Option 2 contains more stalls, the new stalls are very small and congested, whereas the new stalls on Option 1 are much bigger and will serve the needs of the tenants for bigger space and will provide an open hygienic environment.

The current business tenants have been informed of the upgrading process and were requested to seek alternative rental for their businesses during the upgrading period.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the proposal for the development and upgrading of the Business Stalls on Erf 4352, by Messrs Downing Designs be accepted.**
 - (b) That Option 1 be accepted, subject to the exclusion of the following:**
 - (i) *Amphitheatre***
 - (ii) *Kiddies Park***
 - (iii) *Daycare Center***
 - (c) That Messrs Downing Designs be requested to submit a revised detailed cost breakdown for the entire project.**
 - (d) That once the cost breakdown is received, it be submitted to the Management Committee.**
-

11.1.4 **CONSTRUCTION PHASES FOR THE MULTI-PURPOSE CENTRE**
(C/M 2012/11/28 - M 4348)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 7.5 page 35 refers.

A. The following item was submitted to the Management Committee for consideration:

At a meeting held on **12 April 2012**, Council appointed Messrs Karen Miller Architect as the successful bidder for the construction of the Multi-Purpose Centre. The site plan of the centre reflects six (6) SME units, a community hall, an e-library, an after school project room, a restaurant, sports facilities which include boxing, gym, squash and table tennis, amphitheatres and stages for various outdoor activities. However, due to financial constraints the Multi-Purpose centre has to be completed in phases.

Council on **26 July 2012** resolved as follows:

- (a) *That a Multi-Purpose Centre be constructed in phases on Erf 4348, Mondesa and that the first phase consists of the Community Hall and the ablution facilities as the two should be constructed together to make the hall functional.*
- (b) *That the project be financed from the following votes:*
 - *Vote 202531611700 - N\$1.5 million*
 - *Vote 202531618900 - N\$2 million*
 - *Vote 202539000300 - N\$1 million*
 - *Vote 104531614100 - N\$500 000.00 (for the boxing facility)*
- (c) *That additional funds be sourced to cover the shortfall of N\$1 million.*

In order to finalize the phasing of the Multi-Purpose Centre, Messrs Karen Miller Architects have **proposed** that the phasing of the Centre be done as follows (See **attached Annexure "A"**):

- Phase 1: Community Hall; Store & Public ablutions*
- Phase 2: SME Business & Restaurant Kitchen*
- Phase 3: Squash Court and Boxing Gym / Table Tennis*
- Phase 4: E-Library and After School Projects*
- Phase 5: Restaurant*

Messrs Karen Miller strongly suggests that the SME Business block be part of the second phase to facilitate activity during the day and not to create a centre which is dead during the day and as such they would like to have Council's approval in this regard.

B. After the matter was considered, the following was:-

RECOMMENDED:

That the Multi-Purpose Centre be constructed in the following sequence:

- Phase 1: SME Business & Restaurant Kitchen*
 - Phase 2: E-Library and After School Projects*
 - Phase 3: Restaurant*
 - Phase 4: Community Hall; Store & Public ablutions*
 - Phase 5: Squash Court and Boxing Gym / Table Tennis*
-

11.1.5 **SALE OF PRE-PAID WATER IN THE DRC INFORMAL SETTLEMENT**
(C/M 2012/11/28 - N 10/2/4, H 5/4)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 7.8 page 45 refers.

A. The following item was submitted to the Management Committee for consideration:

Council on **30 August 2012** under point 11.1.3 resolved as follows:

- (b) *That an additional vendor be appointed to serve the community in the DRC and be provided with a vending machine if the applicant complies with the necessary criteria.*
- (c) *That an additional vending machine be purchased and held in reserve in case one of the others fails.*

Mr S Romanus indicated his interest to act as vendor for the sale of pre-paid water in the DRC Informal Settlement through his letter to Council dated **11 May 2012 (Annexure A)**.

In execution of (b) of the above resolution, a letter (**Annexure B**) was written to Mr S Romanus requesting him to visit the General Manager: Finance in order to further discuss the possibility of making use of his services. Unfortunately Mr S Romanus only indicated his postal address in his original communication and it was not possible to contact him other than through this means.

Consequently it took quite some time before Mr S Romanus eventually paid a visit to the office of the General Manager: Finance who then explained the requirements to him in order to be able to act as vendor. Mr S Romanus undertook to consider the matter and his means to comply with the requirements thereafter, should he decide to act as a vendor, the General Manager: Finance will visit his premises and finalise all necessary arrangements in order for him to start his operations.

An order for an additional pre-paid vending machine was also placed with an identified supplier following a request for quotation as per (c) above and according to them at the time of the writing of this addendum; the delivery thereof was expected within the next two weeks.

B. After the matter was considered, the following was:-

RECOMMENDED:

That Council approves Mr S K Romanus as a vendor of pre-paid water sales for the DRC Informal Settlement for a trial period of 6 (six) months, subject to the same conditions as approved for Mr E Kampembe.

11.1.6 **AMENDMENT OF PORTION SIZE: SUBDIVISION OF THE REMAINDER OF ERF 1803, MONDESA INTO PORTION A AND THE REMAINDER**

(C/M 2012/11/28 - M 1803)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.9 page 48 refers.

A. The following item was submitted to the Management Committee for consideration:

1. INTRODUCTION

A submission was tabled to the Management Committee of **14 June 2012** proposing the amendment of the size of a portion of Erf 1803, Mondesa from 401.5m² to 467m² in order to proceed with the subdivision of the portion.

The Management Committee passed the following resolution:

That this item be referred back.

2. BRIEF BACKGROUND

2.1 Council's Resolution approving the Sale

Council on **25 February 2010** under item 11.1.3 resolved as follows:

- (a) *That Council approves the alienation of a portion of Erf 1803, Mondesa (±401.5m²) to Mr P Jonas at the purchase price of N\$48 180.00 (N\$120.00/m²) + 15% VAT (if applicable), subject to the conditions approved by Council on 29 October 2009 item 11.1.14, be approved.*
- (b) *That in terms of Section 50 (2) of the Local Authorities Act, Act 23 of 1992 as amended, the portion of Erf 1803, Mondesa ("Public Open Space") offered to Mr P Jonas be permanently closed and zoned as "General Business".*
- (c) *That all costs relating to the transfer of this portion, (including but not limited to transfer duty, conveyancer's costs, compilation of Agreement of Sale, as well as any legal or other costs that may arise from this application), be for the applicant's account.*

2.2 Sale Procedure

The sale of the portion of Erf 1803, Mondesa was advertised in terms of the Local Authorities Act, Act 23 of 1992 and no objections were received at the closing date being **5 May 2010**.

A deed of sale was entered into with Mr P Jonas on **5 January 2011**.

The purchase price approved by Council was calculated on the layout of Erf 1803, Mondesa indicating the size as 401.5m². The purchase price plus 15% VAT was paid by Mr P Jonas in the amount of **N\$55 407.00**, on **5 January 2011**.

2.3 Street Closure

As required in terms of point (b) of Council's resolution passed on **25 February 2010**, Mr P Jonas' town planner, Plan Africa Consulting CC successfully attended to the closure of the portion as a "Public Open Space".

Prior to the issuing of a closure certificate it was noted that the size stated in the Council resolution and the intended portion to be bought by the applicant differed significantly.

2.4 Difference in Size of Portion of Erf 1803, Mondesa

Council's resolution passed on **25 February 2010** approved the purchase price at N\$120.00/m². Therefore the purchase price was calculated based on a layout of the portion, i.e **401.5m² x N\$120.00 = N\$48 180.00**.

The size of the portion provided by Messrs Plan Africa Consulting CC indicates the size as **467.03m² x N\$120.00 = N\$56 043.60**.

Meaning a shortfall in the purchase price in the amount of **N\$7 863.60**, plus 15% VAT of **N\$1 179.54**.

As a standard condition, Council's Deed of Sale states:

1.2.1 The SELLER shall not be responsible for any differences or deficiency in area which may be shown by re-survey of the PROPERTY and likewise renounces any excess.

The property description of the portion in the signed Deed of Sale is referred to as "**a Portion of Erf 1803, Mondesa (public open space) measuring approximately 401.5m²**".

A difference in size of 65.53m² is significant and almost represent a ¼ of the portion size. The purpose of clause 1.2.1 is to make provision for small differences in size.

Zoning

In terms of Council resolution of **25 February 2010**, Mr Jonas have rezone the sold portion from "Public Open Space" to "General Business".

Erven 2480 and 2481, Mondesa to be consolidated with the said portion are zoned "**Local Business**" while the zoning for the portion approved by Council and indicated in the deed of sale is "**General Business**". In order to conform with the zoning of the erven to be consolidated with, the proposed zoning of the portion in question needs to be change to "**Local Business**".

In terms of Section 5 of the Environmental Management Act, Act 7 of 2007 as amended "the rezoning from an open space to any other land use is listed in the new Environmental Management Act (Gazetted on **06 February 2012**) as an activity requiring an environmental clearance certificate".

Taking into consideration that the portion sold to Mr Jonas is zoned "Public Open Space" it suggested that **an Environmental Impact Assessment must be carried out by Mr P Jonas.**

3. **DISCUSSION**

A meeting was held between the Manager: Corporate Services and Mr P Jonas on **24 October 2012** where the above mentioned changes were explained. After discussion, Mr P Jonas agreed to enter into a new sale agreement that will reflect the correct size, purchase price and zoning.

In order for Townships Board to accept the subdivision application it is necessary that the size indicated in Council's resolution approving the subdivision corresponds with the size stated on the subdivision layout.

It is important that the plans that are to be date stamped be in line with the Council resolution.

B. After the matter was considered, the following was:-

RECOMMENDED:

That point (a) of the Council resolution dated 25 February 2010 under item 11.1.3 be repealed and replaced with the following:

- (a) That the alienation of a portion of Erf 1803, Mondesa ($\pm 467.03\text{m}^2$) to Mr P Jonas at the purchase price of $467.03\text{m}^2 \times \text{N\$}120.00 = \text{N\$}56\,043.60 + 15\% \text{ VAT (if applicable)}$, subject to the conditions approved by Council on 29 October 2009 and 25 February 2010, be approved.**
 - (b) That Mr P Jonas pays a shortfall of the purchase price in the amount of $\text{N\$}7\,863.60$ plus $15\% \text{ VAT (N\$}1\,179.54) = \text{N\$}9\,043.14$.**
 - (c) That the proposed Portion A of Erf 1803, Mondesa ("*Public Open Space*") offered to Mr P Jonas be zoned as "*Local Business*" in terms of the Town Planning Ordinance 18 of 1954 as amended.**
 - (d) That the existing Deed of Sale be cancelled and a new Deed of Sale be entered into between the Council and Mr P Jonas.**
 - (e) That Mr P Jonas appoints an Environmental Consultant to attend to the Environmental Impact Assessment in terms of the Environmental Management Act, Act 7 of 2007 as amended.**
 - (f) That all costs relating to the transfer of this portion, (including but not limited to transfer duty, conveyancer's costs, compilation of Agreement of Sale, as well as any legal or other costs that may arise from this application), be for the applicant's account.**
-

11.1.7 **APPROVAL OF MINOR AMENDMENTS TO THE LAYOUT PLAN FOR PORTION 114, SWAKOPMUND, FOR TOWNSHIP ESTABLISHMENT**

C/M 2012/11/28 - G 3/9)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.10 page 54 refers.

A. The following item was submitted to the Management Committee for consideration:

Application for the approval of minor adjustments to the layout plan of Portion 114, Swakopmund (Messrs Namgro Impex CC) as previously submitted and approved by Council.

Council on **31 March 2010**, under item 11.1.9 resolved as follows:

(a) *That the layout plans and land uses as submitted by developers be approved respectively subject to the following considerations:*

- *Messrs Winplan Town & Regional Planning Consultants on behalf of their client Messrs Shikongo Investments, layout SWP/NORTH ADD be approved.*
- *Messrs Stubenrauch Planning Consultants on behalf of their client Messrs Masadi, layout W/09083-2 be approved.*
- *Messrs Winplan Town & Regional Planning Consultants on behalf of their client Messrs Vision, layout SWP/CON259 be approved.*
- *Messrs Plan Africa on behalf of their client Namgro Impex, layout SWAK TLS be approved.*

-FOR-

- *The subdivision of the remainder of portion B of Swakopmund Town and Town lands No 41 into a new Portion X and Remainder,*
- *The need and desirability to establish an extension of Swakopmund on Portion X,*
- *Township establishment of Portion X,*

(b) *That no payment of a Betterment Fee be applicable.*

(c) *That all statutory processes be adhered to and are the responsibility of the applicant. All costs are for the applicants account.*

(d) *That no building plans be approved by the Building Control Section unless proof can be supplied that the necessary statutory requirements have been met.*

(e) *That an institutional erf be included in the design of each residential block, provided with services by the respective developers and returned to Council along with the public open spaces since they are not saleable land.*

Previously the developer applied for amendments to the proposed layout and it was approved by Council (**Annexure B**).

The new layout is now proposed as follows:

	Approved	Proposed
<i>Residential 1:600</i>	<i>109</i>	<i>117</i>
<i>General Residential 1 1:250</i>	<i>3</i>	<i>3</i>
<i>General Business</i>	<i>1</i>	<i>1</i>
<i>Institutional</i>	<i>1</i>	<i>1</i>
<i>Local Authority</i>	<i>0</i>	<i>1</i>
<i>Public Open Space</i>	<i>1</i>	<i>1</i>

Council on **31 May 2012** under item 11.1.9 resolved as follows:

(a) That the amendments to the layout plan of Portion 114 as submitted by Messrs Plan Africa Consulting CC for the purpose of Township Establishment be approved as follows and on condition that they close the corridor between Erven 11-12 and 57-58:

- *Erven 1 to 33 and 38 to 121 as "Single Residential" with a density of 1:600m²,*
- *Erf 34 as General Business,*
- *Erven 35 to 37 as "General Residential 1" with a density of 1:250,*
- *Erf 122 as "Institutional",*
- *Erf 123 as "Local Authority" and*
- *Erven 124, 106 and 107 as "Public Open Space".*

(b) That Messrs Plan Africa Consulting CC be informed to submit the approved layout plan to Townships Board for final approval.

With the submission to Townships Board further amendments were needed as Townships Board allows for up to 10% deviation to take place. As can be seen on the new plan (**Annexure A**) the street widths have increased based on the requirements from Townships Board. The General Business erf was moved from the south-eastern corner of the proposed layout to the south-western corner. The zonings of the two erven just swapped around.

There was also a new entrance created to the development on the southern side of the development. It is not foreseen that the entrance as approved by Townships Board will have any negative impact on the surrounding street network.

Basically it was only the street widths that changed the zoning of two erven that changed around and an extra entrance to the block that was added. No new erven were created. It is just the sizes of the erven that will be affected due to the increase of the street widths. The changes will have no negative effect to the overall purpose of the layout.

B. After the matter was considered, the following was:-

RECOMMENDED:

That Council approves the adjustments to the layout plan of Portion 114, Swakopmund as submitted by Messrs Plan Africa Consulting to Townships Board and approved by Townships Board.

11.1.8 **APPLICATION FOR NEED AND DESIRABILITY FOR THE
SUBDIVISION OF ERF 607, MONDESA**
(C/M 2012/11/28 - M 607)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 7.11 page 62 refers.

A. The following item was submitted to the Management Committee for consideration:

Application is herewith made in terms of Section 19(3) of Township and Division of Land Ordinance 11 of 1963 for the Need and Desirability for Township Establishment on Erf 607, Mondesa.

Erf 607, Mondesa is located on the eastern boundary of Mondesa Town area (See **attached** Locality Plan). According to the Swakopmund Town Planning Scheme the property is zoned as “*Undetermined*” meaning that the use will be as determined by Council. The site is ±16 214 m² in extent and currently vacant and underutilised. The site is characterised by a rocky terrain sloping from east to west.

The Municipality has identified the above-mentioned portion of land for development to help address the provision of much needed erven in the area. The layout consist of a total of 22 portions of which 1 will be zoned “*Institutional*”, 3 “*General Residential 1*” erven with a density of 1:250 and 18 “*Single Residential*” erven with a density of 1:300 ranging between 356m² and 461m². The street portion will have widths of between 12m and 14m and will cover ±3 620.65 m².

The street widths will be efficient to carry the expected traffic in this area. It should be noted that the proposed layout is aimed at making sufficient use of an existing piece of land as opposed to a large scale new development. The street layout will conform to the surrounding street network in this case.

Provision is made within the layout for future connection to future development to the east of the site.

Council on **27 October 2011** under item 11.1.25 resolved as follows:

- (a) *That the Need and Desirability for Township Establishment on Erf 607, Mondesa, be approved.*
- (b) *That the proposed layout for Township Establishment on Erf 607, Mondesa be approved.*
- (c) *That the subdivision of Erf 607, Mondesa, into 22 portions and remainder (Street) be approved.*
- (d) *That the proposed zoning of Portion 1 be Institutional”, Portions 2-19 be “Single Residential” with a density of 1:300m², Portions 20-22 be “General Residential” 1 with a density of 1:250m² and the remainder be reserved for “Street”.*
- (e) *That a Town Planning Consultant be appointed to submit the proposed layout to the Ministry of Regional and Local Government, Housing and Rural development for Need and Desirability and Townships Board for Final approval of the proposed layout.*

(f) That the cost be defrayed from the Town Planning Vote 103034013500 where N\$2 000 000.00 is available.

Due to an oversight of the Town Planner it is therefore requested that the above resolution be repealed and replaced as indicated below.

B. After the matter was considered, the following was:-

RECOMMENDED:

That Council's resolution of 27 October 2012 under item 11.1.25 be repealed and replaced with the following:

- (a) That Council approves the Need and Desirability to subdivide Erf 607, Mondesa, into 22 portions and Remainder (Street).**
 - (b) That Council approves the subdivision of Erf 607, Mondesa, into 22 portions and Remainder (Street).**
 - (c) That the proposed zoning of Portion 1 be "*Institutional*", Portions 2-19 be "*Single Residential*" with a density of 1:300, Portions 20-22 be "*General Residential 1*" with a density of 1:250m² and the Remainder be reserved for "*Street*".**
 - (d) That a Town Planning Consultant be appointed to submit the proposed layout to the Ministry of Regional and Local Government, Housing and Rural Development for Need and desirability for Township Establishment and to Townships Boards for final approval of the proposed layout.**
 - (e) That the cost be defrayed from the Professional Services Vote 103010212300 where N\$97 000.00 is available.**
-

SUBDIVISION OF ERF 503, TAMARISKIA INTO PROPOSED PORTIONS A, B AND THE REMAINDER; THE FORMAL CLOSURE OF PROPOSED PORTION A AND PORTION B AS PUBLIC OPEN SPACE; RESERVATION OF PORTION A AS “PUBLIC PARKING” AND THE REZONING OF PROPOSED PORTION B FROM “PUBLIC OPEN SPACE” TO “INSTITUTIONAL”

(C/M 2012/11/28 - T 503)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.13 page 69 refers.

A. The following item was submitted to the Management Committee for consideration:

Application is herewith made for the subdivision of Erf 503, Tamariskia into proposed Portion A and Portion B and the remainder, the formal closure of Portion A and Portion B as public open space, the reservation of Portion A for “Public Parking” and rezoning of proposed Portion B from “Public Open Space” to “Institutional”.

The erf is located along Kwarts Laan in Tamariskia. It measures 1.2065 Ha in extent and is owned by the Municipality of Swakopmund. The Erf is currently zoned “Public Open Space” and is vacant. The size of Erf 503, Tamariskia is ideal for the proposed subdivision into 2 portions and the remainder. The Municipality therefore decided to make application to subdivide Erf 503, Tamariskia into 2 portions and the remainder, formally closed these 2 portions and rezone them in order to sell one portion and use the other portion for public parking while leaving the remainder as a Public Open Space.

Furthermore it must also be noted that an Environmental Clearance Certificate must first be obtained before the subdivision of Erf 503, Tamariskia into proposed Portion A and Portion B and the remainder can be done, be formally closed as a public open space and rezoned for institutional purposes and reservation for public parking.

The intention to subdivide Erf 503, Tamariskia into 2 portions and rezone them from “Public Open Space” to “Institutional” and reservation for “Public Parking” was decided when approached by the Shalom Pentecostal Church of Namibia for the purchase of a portion of the erf in question for church purposes. Furthermore, in order to use this portion for church purposes, it will need to be rezoned to “Institutional” since a church is a prohibited use on a “Public Open Space” zoning.

Subdividing Erf 503, Tamariskia into proposed portion A and B and the Remainder, the formal closure of Portion A and Portion B as Public Open Space and then the rezoning of these 2 portions will not have a negative effect on the surrounding character on the area.

Council on **27 September 2012** under item 11.1.10 resolved as follows:

- (a) That the permanent closure of Portion 8 of Erf 503, Tamariskia in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended be approved.
- (b) That Council complies with the requirements of the Environmental Management Act, Act 7 of 2007 when attending to the rezoning of:

- (i) Rezoning of a portion measuring 2 515m² to “institutional”
- (ii) Rezoning of Portion 8 to “parking”

The application was previously submitted by Community Development Services Department but unfortunately the recommendation taken was not sufficient to allow further action to be taken by the Engineering Services Department.

B. After the matter was considered, the following was:-

RECOMMENDED:

That Council’s resolution of 27 September 2012 under item 11.1.10 be repealed and replaced with the following:

- (a) That the subdivision of Erf 503, Tamariskia into proposed Portion A, Portion B and the remainder of Erf 503, Tamariskia, be approved.**
 - (b) That the permanent closure of Portion A and Portion B of Erf 503, Tamariskia in terms of section 50 of the Local Authorities, Act 23 of 1992, as amended be approved.**
 - (c) That proposed Portion B of Erf 503, Tamariskia, be rezoned from “*Public Open Space*” to “*Institutional*”.**
 - (d) That Council approves the reservation of proposed Portion A for “*public parking*” purposes.**
 - (e) That Council complies with the new Environmental Management Act with regard to the Environmental Clearance Certificate needed for submission to the Ministry of Regional and Local Government, Housing and Rural Development.**
 - (f) That a Town Planning Consultant be appointed to submit the subdivision application to Townships Board and the cost be defrayed from the Professional Services Vote 103010212300 where N\$93 000.00 is available.**
-

11.1.10 **SUBDIVISION OF ERF 604, MONDESA INTO PROPOSED PORTION A AND PORTION B AND THE REMAINDER; REZONING OF ERF 605 AND PROPOSED PORTION A AND PROPOSED PORTION B FROM “UNDETERMINED” TO “INSTITUTIONAL”; CONSOLIDATION OF ERVEN 605, 602 AND PROPOSED PORTION A INTO PROPOSED CONSOLIDATED ERF “X” AND THE CONSOLIDATION OF ERVEN 603 AND PROPOSED PORTION B INTO PROPOSED CONSOLIDATED ERF “Y”**

(C/M 2012/11/28 - M 605, M 604)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.14 page 73 refers.

A. The following item was submitted to the Management Committee for consideration:

Application is herewith made for the subdivision of Erf 604, Mondesa into Portions A, B and the remainder; rezoning of Erf 605 and proposed Portion A and proposed Portion B from “*Undetermined*” to “*Institutional*”; consolidation of Erven 605, 602 and proposed Portion A into proposed consolidated Erf “X” and the consolidation of Erven 603 and proposed Portion B into proposed consolidated Erf “Y”.

Erven 604 and 605 is located along Mandume ya Ndemufayo Avenue in Mondesa. Erf 604 measures 3366.29m² in extent while Erf 605 measures 1107m² in extent and is owned by the Municipality of Swakopmund. The Erven is currently zoned “*Undetermined*” and is vacant. The size of Erf 604 is ideal for the proposed subdivision into two portions and the remainder. The Municipality therefore decided to make application to subdivide Erf 604 into two portions and the remainder and to rezone the two portions and sell both portions to churches and use the remainder portion for an Erongo RED substation.

The intention to subdivide Erf 604, Mondesa into two portions and rezone them from “*Undetermined*” to “*Institutional*” was decided when approached by the surrounding churches to purchase portions of Erf 604 as well as Erf 605, Mondesa. Furthermore, in order to use these portions for church purposes, it will need to be rezoned to “*Institutional*” since it is not possible to consolidate two portions or erven with different zonings.

Subdividing Erf 604, Mondesa into proposed portion A and B and the Remainder and then the rezoning of these two portions and Erf 605 to consolidate them with Erven 602 and 603 will not have a negative effect on the surrounding character on the area.

The application was previously submitted by Community Development Services but unfortunately the resolution taken was not sufficient to allow further action to be taken by the Engineering Services Department.

Council on **26 April 2012** under item 11.1.25 resolved as follows:

- (a) *That the alienation of Erf 605 and portion 604/1 with a combined size of 2121m² to Messrs Immanuel Lutheran Church and Portion 604/2 measuring 2122m² to Messrs Anglican Church (Mondesa), be approved.*

- (b) *That the sale be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, as amended, for objections.*
- (c) *That all costs related to this transaction, including the carrying out of statutory processes, be for the applicants account.*
- (d) *That the purchase price be determined throughout the Municipal valuers.*

It is recommended that the above resolution taken by Council be repealed and replaced in order to allow for the statutory processes to continue.

B. After the matter was considered, the following was:-

RECOMMENDED:

That Council's resolution of 26 April 2012 under item 11.1.25 be repealed and replaced with the following:

- (a) That the subdivision of Erf 604, Mondesa into proposed Portion A, Portion B and remainder of Erf 604 be approved.**
 - (b) That the intention to rezone proposed Portion A of Erf 604, Mondesa from "*Undetermined*" to "*Institutional*" be approved.**
 - (c) That the intention to rezone proposed Portion B of Erf 604, Mondesa from "*Undetermined*" to "*Institutional*" be approved.**
 - (d) That the intention to rezone Erf 605, Mondesa from "*Undetermined*" to "*Institutional*" be approved.**
 - (e) That the consolidation of Erf 602, 605 and proposed Portion A, Mondesa into proposed consolidated Erf "X" be approved.**
 - (f) That the consolidation of Erf 603 and proposed Portion B, Mondesa into proposed consolidated Erf "Y" be approved.**
 - (g) That the Engineering Services Department attends to the rezoning of the above mentioned erven with immediate effect.**
-

11.1.11 **FEEDBACK AND AMENDMENT TO DEVELOPMENT PLAN: STRAND
HOTEL DEVELOPMENT**

(C/M 2012/11/28 - E 4743)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 7.15 page 78 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction

With reference a letter dated **21 August 2012 (Annexure “B”)** received from **Messrs Ohlthaver & List Group of Companies**, the Management Committee engaged in discussions with the developer on **11 October 2012**; whereafter a letter dated **17 October 2012 (Annexure “A”)** was received.

The submission which was tabled to the Special Management Committee of **2 October 2012**, under **item 5.1** is **attached as Annexure “C”**.

2. Contents of the latest letter dated 17 October 2012

- 2.1 As discussed with the Management Committee on **11 October 2012**, **Messrs Ohlthaver & List Group of Companies** states that they have consulted with International Hotel & Tourism Consultants and conducted an in-depth research of Swakopmund and came to the conclusion not to proceed with the construction of a 5-star hotel as such venture will not be financially sustainable.

It is further stated in their letter that the revised concept is as per their letter dated **21 August 2012 (Annexure “B”)**, summarized:

- ♦ *The hotel will no longer be a 5-star accommodation establishment, but a 4-star hotel;*
- ♦ *The entire building will be approximately 35% smaller in bulk than the original hotel therefore allowing for more green space around the ground floor of the building thereby facilitating pedestrian traffic flow in and around the development at the Mole;*
- ♦ *The 26 apartments were removed totally from the concept and therefore the focus is placed on managing a successful hotel establishment;*
- ♦ *Even though the building will be smaller, the rooms were increased from 104 to 137; and*
- ♦ *The revised concept makes provision for more public spaces and facilities, thereby attracting not only tourists, but locals alike.*

*The **revised project approval processes** are also listed, being:*

- *Public scoping,*
- *Municipal aesthetics approval,*
- *Heritage council's approval and*
- *Environmental clearance (possible additional requirements due to the change of the development).*

2.2 Project Timelines

The following is stated (**Annexure “A”**):

November / December 2012	:	✓ obtain in principle approval from Council ✓ environmental approvals ✓ Swakopmund Municipal Aesthetics Committee
December 2012	:	✓ Heritage Council
January / February 2013	:	✓ Public Scoping
February / March 2013	:	✓ final approval from Council (full presentation)
June 2013	:	✓ finalize financial agreement with investors
July 2013	:	✓ commencement of construction

Should Council approve the revised project, **construction can commence** during June / July 2013, with the full commercial opening being during April 2015 (being a year later than the approved completion date), instead of the initially agreed dates of:

- **Commencement date** : 01 August 2012
- **Completion date** : 82 weeks after 01 August 2012

2.3 Request to Waive Penalty Clause

In conclusion, due to the revised development concept, **Messrs Ohlthaver & List Group of Companies** requests that the **penalty clause** be waived.

The Addendum to the Agreement regarding the levying of late penalty charges was signed on **30 April 2012**.

3. Amendments to the Agreement of Sale

Should Council approve the revised concept for the hotel development it should also be considered to waive the late penalty charge.

Taking into account that the new development will be completed almost a year later as was approved by Council on **26 April 2012**; the penalty charge will amount to **N\$3 650 000.00**.

It will also be necessary to compile a further Addendum to the Memorandum of Agreement amending the initial development conditions approved by Council on **24 April 2008** and **30 September 2010**:

3.1 Council on **24 April 2008** passed the following resolution:

- That Council accepts the new design in lieu of the approved design as contained in the Memorandum of Agreement.*
- That Council takes note of the Public Feedback Meeting convened by the developers to inform the public about the design changes of the proposed new hotel as part of the Public Scoping Exercise.*
- That Clause 6.5 of the agreement be replaced with:*

“The Purchaser, at its own costs and in accordance with the design to be approved by The Municipal Council of Swakopmund, will re-route the Arnold Schad Promenade with a clear demarcation and natural slip-off that maintains the same width of the existing promenade for the general public. The remaining piece of the Arnold Schad Promenade from the natural slip-off through the main entrance of the building will remain and kept as is.”

- (d) *That Clause 7.10.2 be changed as follows and to delete Clauses 7.10.2.1, 2 & 3:*
- “that the Mixed-Use Development be designed and constructed to accommodate retail, leisure, offices and prime residential units that encompasses the entire Consolidated Property”*
- (e) *That the Feedback Mentioned in (b) above be provided to Council and be made available should any member of the public wish to view it.*

3.2 Council's resolution passed on **30 September 2010**:

- (a) *That the further addendum to the main agreement of sale be approved.*
- (b) *That the usages as contained in the further addendum be approved and such must be included in the development plans as an annexure to the further addendum:*
- ① Ground Floor:
- Retail,
 - Hotel Leisure Facilities (i.e. Gym, Spa, Pool)
 - Hotel entrance/ Lobby and services areas
- ② First Floor
- Luxury hotel rooms (approx. 44)
 - apartments (approx. 14 ⇔ 18) (the majority of the hotel operation via a rental pool agreement with the relevant apartment owners)
- ③ Second Floor
- Luxury hotel rooms(approx. 14 ⇔ 18) (the majority of the apartments would form part of the hotel operation via a rental pool agreement with the relevant apartment owners)
- (c) *That Messrs Broll Namibia be informed that in terms of the Swakopmund Property Policy, the developer is responsible for all costs involved in the compilation of the Agreement of Sale and amendments thereof.*
- (d) *That Messrs Broll Namibia be informed that no further extension of periods or changes in the usages will be granted by Council and the remaining clauses of the existing agreement remain unaltered and enforced.*

An addendum to the memorandum of agreement reflecting the above amendments approved by Council was signed by all parties.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) **That the letters received from Messrs Ohlthaver & List Group of Companies dated 21 August 2012 and 17 October 2012 regarding the revised concept for development of the hotel be noted.**
- (b) **That Messrs Ohlthaver & List Group of Companies be requested to submit a proper lay-out plan indicating the amendments to the initial development, for consideration by Council.**
- (c) **That should Council approve the revised development proposal, Messrs Kinghorn Associates be requested to compile a further addendum to the Memorandum of Agreement.**
- (d) **That Messrs Ohlthaver & List Group of Companies be requested to submit bi-monthly reports on the progress of the construction project.**
- (e) **That the Engineering Services Department takes note and implement the penalty charges in the amount of N\$10 000.00 per day should the project not be completed within 82 weeks from 1 August 2012.**
- (f) **That the penalty be levied on a separate sundry account.**
-

11.1.12 **FEEDBACK: TRANSFER OF ERF 4326 (A PORTION OF ERF 63, MONDESA), MONDESA IN THE NAME OF MESSRS MONDESA PROPERTY INVESTMENT CC**

(C/M 2012/11/28 - M 4326)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.16 page 87 refers.

A. The following item was submitted to the Management Committee for consideration:

1. INTRODUCTION

With reference to an e-mail received from Mr J Kambueshe of Messrs Mondesa Property Investment dated **11 October 2012** requesting for an extension of time until **01 October 2012 to secure the purchase price and 15 % VAT**; the Management Committee on **11 October 2012** passed the following resolution:

- (a) *That Messrs Mondesa Property Investment cc be requested to submit on or before the 26th October 2012 a letter from the financial institution that indicates that they require approved building plans in order to provide financial assistance to Messrs Mondesa Property Investment cc.* [5th extension]
- (b) *That the Management Committee remains informed that the purchase price plus 15% VAT was not secured by 30 September 2012 as resolved by Management Committee on the 14 June 2012.*

Messrs Mondesa Property Investments CC was informed of the above resolution on **12 October 2012** whereafter a letter dated **16 October 2012** was received from First National Bank (Swakopmund Branch) addressed to Messrs Mondesa Property Investments CC requested them to provide the bank with the required documentation listed as per **Annexure "A"** prior to provide a bank guarantee.

2. BRIEF BACKGROUND

- 2.1 Council resolved to sell Erf 4326, Mondesa (previously known as a portion of Erf 63) to Messrs Mondesa Property Investment cc for the development of a shopping centre started in 2006 as per Management Committee Resolution dated **18 July 2006, item 7.8**. A Deed of Sale was signed on **22 October 2010** and Messrs Kinghorn Associates was instructed on **28 October 2010** to attend to the transfer.
- 2.2 Various letters were received from Messrs Kinghorn Associates informing the Municipality that Messrs Mondesa Property Investment CC has not yet paid the purchase price for the sale of Erf 4326, Mondesa neither submitted a guarantee to secure the purchase price.

2.3 Previous Management Committee Resolutions for extension of time are quoted for ease of reference

2.3.1 The Management Committee on **12 January 2012** passed the following resolution:

- (a) *That the report by the General Manager: Corporate Services and Human Resources regarding the visit of Mr J Kambueshe of Messrs Mondesa Property Investment CC and that he offered to provide the required guarantee before 06 February 2012 be noted.* (1st extension)
- (b) *That, in future, such communication between officials and the developer be confirmed in writing by the developer for record purposes.*
- (c) *That it be noted that Messrs Mondesa Property Investment CC has not paid / secure the purchase price for the sale of Erf 4326, Mondesa.*
- (d) *That the General Manager: Corporate Services and Human Resources report back to the next Management Committee regarding progress made on the matter.*

2.3.2 Subsequent to the above, Messrs Mondesa Property Investment CC was granted with an extension of time until **30 March 2012** being 21 (twenty one) days in terms of Clause 7.2 of the signed deed of sale to provide a bank guarantee. (2nd extension)

2.3.3 Mr J Kambueshe of Mondesa Property Investment CC held an audience with the Management Committee on **16 May 2012** and the following was resolved:

That Mr J Kambueshe of Messrs Mondesa Property Investment CC be given 91 (ninety one) days from the date of this resolution to secure the purchase price plus 15 % VAT, failing which the transaction be cancelled without any further notice.

2.3.4 Mr J Kambueshe on **29 May 2012** requesting for further extension of time until **01 October 2012** to secure the purchase price and 15% VAT as the provision of the guarantee will only be materialized end of **September 2012**. The Management Committee passed the following resolution on **14 June 2012**: (3rd extension)

- (a) *That the interest declared by Councillor J Kambueshe and the fact that he left the chambers during the discussion be noted.* (4th extension)
- (b) *That Mr J Kambueshe of Messrs Mondesa Property Investment CC be given until 30 September 2012 to secure the purchase price plus 15 % VAT, failing which the transaction be cancelled without any further notice.*

Discussion

With reference to point 1 of the letter from the bank, amongst other Messrs Mondesa Property Investments CC is required to submit a copy of the approved site development plan / building plan to the bank. They are also required to sell at least 80% of the sectional title units of the plan to test the demand.

The development of sectional titles on Erf 4326, Mondesa cannot be approved as such does not conform with the initial development plan being a shopping centre (**attached development plan annexure "B"**)

According to the Engineering Services Department, the developer intends to develop a block of flats on the property. Although a block of flats can be erected on the general business zoning, such cannot be approved as it is not in line with the initial plan as well as Council resolutions and the signed Deed of Sale (clause 9.3.3), therefore the building plans for block of flats on Erf 4326, Mondesa cannot be supported.

Considering all the documents Messrs Mondesa Property Investments CC still need to submit as per letter of First National Bank, it is proposed that Council grants Messrs Mondesa Property Investments CC an extension of time until **04 January 2013** to secure the purchase price plus 15% VAT, on condition that the original development proposal is adhered.

B. After the matter was considered, the following was:-

RECOMMENDED:

(a) That Messrs Mondesa Property Investments CC be informed to submit the building plans for the development of a shopping centre on Erf 4326, Mondesa for approval.

(b) That Council remains with its decision of 25 February 2010 i.e.:

That Council approves the alienation of a portion of Erf 63 Mondesa, measuring 17 452.74m² to Messrs Mondesa Property Investment CC for the development of a shopping centre subject to the conditions as approved by Council on 29 October 2009 under item 11.1.3.

(c) That Mr J Kambueshe of Messrs Mondesa Property Investment CC be given until 31 March 2013 to secure the purchase price plus 15% VAT, failing which the transaction be cancelled without any further notice.

11.1.13 **AMENDMENT TO THE LAYOUT AND SALEABLE LAND FOR BLOCK 14 OF PORTION 114, SWAKOPMUND- MESSRS NAMGRO IMPEX**
(C/M 2012/11/28 - G 3/9/14)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.22 page 127 refers.

A. The following item was submitted to the Management Committee for consideration:

1. A new amended layout plan for Portion 114, Swakopmund is submitted to Council under a separate cover by Engineering Services Department. As explained in the submission of Engineering Services, the street width has been increased and this has affected the erven sizes as well as the saleable land.
2. Following is a comparison of sizes for the recent approved layout plan by Council on **30 May 2011** and the new proposed layout plan:

	Sizes (m²) per layout Plan approved by Council on 30 May 2011	Sizes (m²) per new layout plan still to be approved as per submission of Engineering Services
Total size of the portion	94 577	94 641
Institutional	911	868
Substation - Erongo RED	194	194
Public Open Space	471	1 663
Streets	15839	19 773
Sellable land	77 162	72 143
Purchase price x N\$ 62.00/m ²	N\$4 784 044.00	N\$4 472 866.00
Minus Deposit	N\$ 537 180.00	N\$537 180.00
Balance to be paid by the developer	N\$4 426 864.00	N\$3 935 686.00

3. It can be noted from the above indicated sizes that the saleable land has decreased accordingly and therefore the purchase price should decrease accordingly.
4. Should Council approved the new layout plan, the purchase price for saleable land of Portion 114, Swakopmund to Messrs Namgro Impex will be **N\$4 472 866.00** and the remaining purchase price after deducting the a deposit will be **N\$3 935 686.00**.

B. After the matter was considered, the following was:-

RECOMMENDED:

That the amended purchase price of **N\$4 472 866.00 (72 143m² x N\$62.00/m²)** for Portion 114, Swakopmund in line with the new amended layout plan submitted by the Engineering Services Department be approved.

11.1.14 **REQUEST FOR TEMPORARY BTS STATION AT THE PEBBLE BEACH AREA**

(C/M 2012/11/28 - G 4/2/2/2)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.23 page 129 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction

With reference to the letter received from Messrs **AGA Technical Services (Pty) Ltd** on behalf of **Messrs Mobile Telecommunications Limited** on **11 April 2012** requesting Council to construct a BTS Station at the Pebble Beach area, whereby Council on **30 August 2012** passed the following resolution under item 11.1.9:

- (a) *That the following sites not be considered due to private ownership:*
- (i) *Sites Erf 66, Vogelstrand*
 - (ii) *Erf 127, Vogelstrand*
- (b) *That a Portion of a Public Open Space situated at Pebble Beach, Vogelstrand be leased to Messrs MTC.*
- (c) *That Messrs MTC adheres to the following requirements:*
- *A maximum height of 25m*
 - *Should they insist that they wish to construct a 35 m tower on the portion of a public open space, a detailed letter motivating the additional height*
 - *Consent letter from the neighbours*
 - *Environmental Impact Assessment*
- (d) *That the application of Messrs MTC to construct a 25m high self-supporting tower on a Portion of a Public Open Space situated at Pebble Beach, Vogelstrand be approved, subject to the following standard lease conditions:*
- (i) *Lease period of 5 years;*
 - (ii) *That building plans of all proposed buildings must be submitted to the Engineering Services Department;*
 - (iii) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee; and*
 - (iv) *That all costs be for the account of the lessee.*
- (e) *That the Engineering Services Department provides a lay-out plan for the exact site to be used for the tower.*
- (f) *That Messrs MTC installs their own electrical meter so that any expense and cost generated be allocated to Messrs MTC.*
- (g) *That a valuation be obtained from Council's appointed valuer and an additional valuer for determination of the lease rate.*
- (h) *That the proposed lease be advertised in terms of Section 63 of the Local Authorities Act, (Act 23 of 1992), as amended; at the cost of Messrs MTC.*
- (i) *That the Town Planner ensures that height of cell phone communication masts / self-supporting towers be regulated in the new Town Planning Scheme 35.*

The above resolution was conveyed to Messrs MTC as per letter dated **05 September 2012**, whereafter a letter **attached (Annexure A)** dated **11 September 2012** was received from Messrs MTC notifying Council that they accept the conditions. In an e-mail dated **27 September 2012**, Messrs MTC mentioned that the EIA study

and final approval is envisaged to be completed by the end of **February 2013**.

2. **Application**

In the same letter dated **27 September 2012**, **Messrs MTC** requested Council's permission to erect a temporary Mobile mast, 10m in height on a portion of the open public space situated at Pebble beach for the period 01 December 2012 until January 2013. A reply letter dated **15 October 2012** was forwarded to them that Council cannot allow a temporary Mobile BTS Site AT Pebble Beach, unless they meet all the requirements. **Messrs MTC** emphasis in a letter of **24 October 2012** the utmost importance to erect the temporary Mobile BTS Station at the Pebble Beach Area. Attached the letter as **Annexure "B"** and also below the reasons for of why it is of such importance:

- *MTC has poor coverage in the Pebble Beach area and with the increase number of residents due to the festive season; customer frustration with poor service will be on the increase.*
- *The additional capacity provided by the mobile will improve services for the influx of the holiday makers.*
- *They need to provide excellent services to their customers.*
- *Residential expansions are in the increase in the area.*

Messrs MTC also wishes to assure Council that they will abide by the technical requirements and that their contractors will take full responsibility for the cost and maintenance. **Pictures** of the intended temporary Mobile BTS Site are attached as **Annexure "C"**. They also indicated in the letter that the height extension will be 15 meters maximum and the square meters that the mobile station will occupy 3 x 3 m² (telephonically confirmed by Mr Schmidt-Dumont on **05 November 2012**).

3. **Comments from Engineering Services**

The temporary site will not have a negative impact on the area. The Environmental Management Act of 2007 states that a clearance certificate can only be obtained for the construction of infrastructure for masts of any material or type and of any height, including those used for telecommunication and radio transmission.

The temporary BTS site will consist of an already existing mobile cellular communication base station; therefore no construction will take place. The mobile base station will be moved into a position and switched on to increase the cellular usage during the festive season in the area. At the end of the festive season, the mobile base station will be switched off, packed up and removed.

4. **Valuations**

To date no valuations from either Mr Hite of Messrs Trust & Estate nor Mr van Wyk of Messrs Nasikama were received as to several attempts that were made but to no avail.

5. **In conclusion**

Council can consider leasing the site located in the Pebble Beach area to Messrs MTC at a rental tariff of **N\$19.02 / m² per month x 9 m² = N\$ 172.80 + N\$25.92 (15% VAT) = N\$198.72**, for a two month period with commencement being; **01 December 2012 until 31 January 2013**, subject the following standard conditions:

- (i) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee; and*
- (ii) *That all costs be for the account of the lessee.*
- (iii) *That Messrs MTC installs their own electrical meter so that any expense and cost generated be allocated to Messrs MTC.*
- (iv) *That Messrs MTC provides the GPS co-ordinates of the approved sites to the Engineering Services Department in order to indicate such on lay-out plans.*
- (v) *That Council's intention to lease the area be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended.*

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) **That Council leases the site located in the Pebble Beach area to Messrs MTC for a two month period, commencing on 01 December 2012 and terminating on 31 January 2013; subject to the following standard conditions:**
 - (i) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee; and*
 - (ii) *That all costs be for the account of the lessee.*
 - (iii) *That Messrs MTC installs their own electrical meter so that any expense and cost generated be allocated to Messrs MTC.*
 - (iv) *That Messrs MTC provides the GPS co-ordinates of the approved sites to the Engineering Services Department in order to indicate such on lay-out plans.*
 - (v) *That Council's intention to lease the area be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended.*
 - (c) **That the temporary lease tariff be N\$19.02 / m² per month x 9m² = N\$172.80 + N\$25.92 (15% VAT) = N\$198.72.**
 - (d) **That Messrs AGA Technical Services (Pty) Ltd provides Power of Attorney that they act on behalf of Messrs MTC.**
-

11.1.15 **APPLICATION TO TRANSFER ERF 2771, SWAKOPMUND TO NAMPOWER (PTY) LTD**

(C/M 2012/11/28 - E 2771)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.24 page 138 refers.

A. The following item was submitted to the Management Committee for consideration:

1. INTRODUCTION

Following an application of **Messrs NamPower (Pty) Ltd** dated **12 June 2012** requesting Council to transfer Erf 2771, Swakopmund to them. Council on **27 September 2012**, under item 11.1.4 passed the following resolution:

(a) *That the sale of Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd be approved, subject to the following conditions:*

(a) **IN PRINCIPLE APPROVAL BY COUNCIL**

- (i) *That the applicant takes note that no rights will accrue to him / her unless all the conditions are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
- (ii) *That the probable market valuation assuming the applicable zoning be obtained from Council's appointed municipal valuer and an additional valuer, for consideration and approval by Council.*

(b) **STATUTORY PROVISIONS**

- (i) *That Ministerial approval be applied for, for the sale of Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd in terms of section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992 as amended.*
- (ii) *No development be permitted to commence until the statutory disciplines have been completed.*

(c) **AGREEMENT OF SALE AND TRANSFER**

- (i) *That the agreement of sale be concluded and signed within 12 months from Ministerial approval being granted.*
- (ii) *That the agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser / developer within 21 days of being requested to do so.*
- (iii) *That all costs relating to the transfer of this erf, (including but not limited to transfer duty, conveyancer's costs, compilation of Agreement of Sale, as well as any legal or other costs that may arise from this application), be for the applicant's account.*

(d) **PAYMENT OF PURCHASE PRICE**

The purchase price and 15% VAT (if applicable) to be secured by means of a bank guarantee payable on date of transfer.

(e) **GENERAL**

- (i) *As per (a) (i) above, Messrs NamPower (Pty) Ltd takes note of the requirements of the Environmental Management Act, Act 7 of 2007.*
- (ii) *That all developments be in line with the Town Planning Amendment Scheme.*
- (iii) *That the applicant indemnifies Council against any claims resulting from blasting.*

(b) *That Messrs NamPower (Pty) Ltd be requested to indicate whether they intend to purchase the Tamarisk Station; and that upon finalization of both transfers the Power Supply Agreement signed on 7 May 2002 be terminated.*

Messrs NamPower (Pty) Ltd was informed of the above resolution as per letter dated **28 September 2012 (Annexure “B”)**, whereafter a letter dated **23 October 2012 (Annexure “A”)** was received from them requesting Council to:

- ✓ *give consent to upgrade the substation located on Erf 2771, Swakopmund while Council is in process obtains ministerial approval or Council should make effort to obtain ministerial approval as soon as possible ;*
- ✓ *to transfer Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd at no or nominal price in terms of the Power Supply Agreement entered into by Council and Messrs NamPower (Pty) Ltd; and*
- ✓ *take note that Messrs NamPower (Pty) Ltd had a meeting with the Ministry of Environment and Tourism and it was agreed that Nampower (Pty) Ltd is not required to obtain an environmental clearance certificate in respect substations and power infrastructure already in place before the Act come into operation. (Messrs NamPower (Pty) Ltd will send the minutes of the meeting to Council when available).*

2. BACKGROUND

An application was received from Messrs NamPower (Pty) Ltd requesting Council to transfer Erf 2771, Swakopmund to enable them to construct a separate 11kV Switchgear Room to accommodate Erongo RED's outgoing feeders as Erf 2771, Swakopmund as the erf ownership is vested in the name of Council.

Erf 2771, Swakopmund is located in the industrial area, Extension 7, 37 Mandume Ya Ndemufayo Street (**Annexure “C”**).

The erf is zoned “*authority*” and measures 11 083m².

The 2010 municipal valuation of the property is as follows:

⌚ land	=	N\$1 108 000.00
⌚ improvements	=	N\$1 336 000.00

In terms of the Power Supply Agreement signed between Council and Messrs NamPower (Pty) Ltd (previously SWAWEK) on 31 August 1972, Council undertook to provide free of charge a suitable erf and access thereto, for the construction of transformation, switching and/or metering equipment of a substation.

The suitable erf agreed on at the time was Erf 2771, Swakopmund.

Council on **7 May 2002** signed an English version of the above agreement, which supercedes the memorandum of agreement signed on **31 August 1972** and its addendum signed on **17 June 1975**. The content is basically the same.

Clause 3 is quoted: The Customer shall, at his own expense, provide a suitable site for NamPower's transformation, switching and / or metering equipment and shall maintain such site in good order. The said site shall be subject to the reasonable approval thereof by NamPower. The Customer shall afford NamPower reasonable access to the said site for the purpose of erecting and / or connecting up, inspecting, operating and maintaining the apparatus of NamPower therein.

Messrs NamPower (Pty) Ltd for the past 40 years has been using Erf 2771, Swakopmund without being levied any charges other than consumption.

It was proposed to Council on **27 September 2012** to charge Messrs NamPower (Pty) Ltd a market related purchase price for the land and to pay all costs for the transaction.

Valuation to calculate the market related purchase price for Erf 2771, Swakopmund have been requested from Messrs Nasikama property Valuation & Consultancy CC and Messrs Trust Estate CC, once obtained they will be submitted to Council.

3. **DISCUSSION:**

(a) Consent to upgrade the substation located on Erf 2771, Swakopmund

With reference to point (a) (a) (ii) of the abovementioned Council resolution, ministerial approval will only be obtained after 3 (three) months taking into consideration that no Council meeting will be held during December 2012 and valuations for the erf still to be submitted to Council to determine the purchase in January 2013 once obtained from valuers; and a letter to the ministry ca only be sent by February 2013 wherafter ministerial approval will be awaited.

Taking into consideration that Messrs NamPower (Pty) Ltd urgently needs to upgrade the power station that will supply power for the development of town, it is proposed that permission be granted to Messrs NamPower (Pty) Ltd to construct a separate 11kV Switchgear Room to accommodate Erongo RED's outgoing feeders.

(b) Payment of transfer Cost

According to NamPower (Pty) Ltd Erf 2771, Swakopmund should be transferred to them at no or nominal costs as per Power Supply Agreement entered into by Council and NamPower (Pty) Ltd. The agreement does not explicitly say that the property must be transferred to NamPower (Pty) Ltd free of cost, only that they must be permitted to use it at no cost.

(c) Environmental clearance certificate

Messrs NamPower (Pty) Ltd will provide a letter of exemption from the Ministry of Environment and Tourism that they are not required to provide an environmental clearance certificate for existing infrastructure / activities which were constructed before the Environmental Management Act, Act 7 of 2007, as amended came into operation.

B. After the matter was considered, the following was:-

RECOMMENDED:

(a) That point (a) (a) (ii) of Council resolution of 28 September 2012, item 11.1.4 be repealed and replaced with the following:

That consent be granted to Messrs NamPower (Pty) Ltd to construct a separate 11kV Switchgear Room to accommodate Erongo Red's outgoing feeders on Erf 2771, Swakopmund while ministerial approval for the sale of the erf is awaited.

(b) That Council sells Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd at a market related price.

(c) That Messrs NamPower (Pty) Ltd provides Council with a letter of exemption from the Ministry of Environmental and Tourism i.e. Environmental Clearance Certificate (s) for existing infrastructure / activities which were constructed before the Environmental Management Act, Act 7 of 2007, implemented.

11.1.16 **FEEDBACK: PUBLIC AUCTION OF 3 AUGUST 2012 FOR THE SALE OF 120 SINGLE RESIDENTIAL ERVEN**

(C/M 2012/11/28 - G 3/3/2/15, G 3/9/7)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 7.25 page 145 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction

Council sold 120 single residential erven on **03 August 2012** at an Auction. The due date for payment of the purchase price or providing a guarantee was **Friday, 02 November 2012**.

With reference to the conditions of sale, it was stated that should the full purchase price not reflect on Council's bank account on / before Friday, **02 November 2012** (cash at 15:00 at the Cashiers / electronic at 23:59), the transaction will be cancelled, without the need for Council to place the purchaser on terms.

Below is a summary indicating the results as recorded on the due date. The full detailed list is attached as "**Annexure "A"**".

<i>Total Number of Purchasers paid in full</i>	49	41%
<i>Total Number of Purchasers paid a portion of the purchase price (Kinghorn still to confirm whether the purchase price is paid in full)</i>	3	2.5%
<i>Purchasers cancelled</i>	8	7%
<i>Purchasers signed deeds of sale but not paid</i>	38	32%
<i>Total Number of purchasers not signed deed of sale and not paid</i>	22	18%

2. Current Situation

Numerous enquiries and requests are being received regarding an extension period for payments or for providing a bank guarantee. The purchasers have indicated that the banks were inundated with similar applications and that has caused a delay for them to obtain payment on time.

Several purchasers submitted in Home Loan Application Approval letters from banks to support their request for an extension of time to prove their commitment. Other purchasers have opted to pay cash for their erven and are still making payment after the cut off date.

3. Concerns

3.1 As it stands, only 35% of all erven sold at the auction can be transferred to the purchasers and the rest will revert back to Council.

3.2 A letter dated **09 October 2012** attached as **Annexure "B"** was received from Messrs Kinghorn Associates stating that Extension 15 was never proclaimed as an approved township

in terms of the provisions of the Township and Division of Land Ordinance, No 11 of 1965 by the developer. Accordingly no transfer of any erf will be registered in the Deeds Office until such time that Extension 15 has been declared an approved township.

The Registrar of Deeds has indicated that the Certificate of Registered Title for the township was registered by mistake and he will not allow any further transfers.

Engineering Services Department was requested to provide comments regarding the matter and it seems the proclamation will be ready by **15 November 2012**.

- 3.3 The Conditions of Sale indicated that interest will be levied at the prime rate on all transfer to be registered at the Deeds Office after the **02 November 2012**.

It will be difficult to enforce this condition on the purchasers who paid since the delay to register the transfers of the erven was caused by the failure of the developer (Manah Enterprises CC) to ensure that Extension 15 is proclaimed.

4. **Conclusion**

It is proposed that Council consider granting extension of time for payment to purchasers who signed their Deeds of Sale until **14 December 2012**.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council extends the due date for payment of the purchase price until 17 January 2013 to all purchasers who signed the Deed of Sale.
 - (b) That those purchasers who failed to return the signed Deeds of Sale 02 November 2012 be informed that the transaction is cancelled and their deposit forfeited if the signed Deed of Sale and full payment of the erf is not received on date mentioned in (c) below.
 - (c) That the levying of interest be suspended until 17 January 2013.
-

11.1.17 **LIFE SAVING AT THE MOLE BEACH**
(C/M 2012/11/28 - N 7/2/4/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.2 page 06 refers.

A. The following item was submitted to the Management Committee for consideration:

Every year during the December/January holiday season, a number of Namibians, SADC residents and international visitors flock to Swakopmund in order to enjoy their festive season. While in Swakopmund, the majority of them seek relieve from the heat at the beach, unfortunately some swimmers happen to be caught unaware by rough seas and heavy swell.

The Swakopmund Fire Brigade is in the process of purchasing lifesaving equipments. This will enable the fire brigade to assist in lifeguard duties along the beach and the Mole area. This practice will be the first from the fire brigade's operational side.

The Sea Rescue Institute of Namibia (SRIN) always rendered these services to the Swakopmund Municipality and are willing to assist this year as well (**Annexure "A"**). The Swakopmund Fire Brigade would rely on the proficiency of the SRIN's organisation for the upcoming festive season. This will enable the Fire Brigade to be trained in the sea rescue environment and to be uplifted to a better standard of life saving.

It is indeed crucial that such services are provided to the public as many inexperienced swimmers visit our beach during the festival season.

B. After the matter was considered, the following was:-

RESOLVED: (For Condonation By Council)

- (a) That Messrs Sea Rescue Institute of Namibia be appointed to provide life saving services during the upcoming festive season at a cost of N\$15 000.00.**
 - (b) That Messrs Sea Rescue Institute of Namibia be requested to offer life saving training to the Swakopmund Fire Brigade.**
 - (c) That the cost be defrayed from the Life Savers Vote 104010102700 where N\$15 000. 00 is available.**
-

11.1.18 **INTERNAL AUDIT SERVICE: 2011 – 2013**

(C/M 2012/11/28 - D 10/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.3 page 08 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Council on **28 July 2011** approved the appointment of Messrs Ernst & Young to provide an internal audit services to Council for a period of 2 (two) years being **2011 – 2013**.

2. **Internal Audit Plan for the Second Year**

Attached, the proposed Internal Audit Plan 2012/2013.

(Annexure A)

3. **The Cost estimate in terms of the Audit Plan**

The new plan includes an 8.5% increase on the audit fees.

Attached, the Cost Estimate in terms of the Audit Plan 2012/2013.

(Annexure B)

B. After the matter was considered, the following was:-

RECOMMENDED:

That the attached proposed Internal Audit Plan 2011/12 - 2013/14 for the second year with the proposed cost estimate be accepted.

11.1.19 **INTERNAL AUDIT REPORT: HOUSING SERVICE**
(C/M 2012/11/28 - D 10/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.4 page 29 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on Council's Housing Service.

The report was submitted to Council's Audit & Risk Management Committee.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the findings made on approval of a housing loan in excess of what the beneficiary qualifies for be noted and that when applicants are issued with erven, the re-submitted proof of income be reviewed by the Build Together Committee to determine whether the applicants still qualify for the same amount.**
 - (b) That the findings made on overdue accounts not administered in line with Council's Credit Policy be noted and that the General Manager: Finance compiles a list of overdue accounts close to and more than N\$5 000.00 every month and sign off the list of account holders to be handed over to the attorneys.**
 - (c) That the findings made on incomplete checks performed on the monthly statements sent to housing loan account holders be noted and the General Manager: Finance requests the Service Provider to submit a report of the statements issued to loan account holders every month to be reviewed that all statements are printed and mailed.**
 - (d) That the General Manager: Finance investigates if any complaints are received from loan account holders that did not receive their statements and such be reported to Management Committee.**
 - (e) That all the findings made by the internal auditor be noted and that the recommendations be implemented by the relevant departments.**
-

11.1.20 **INTERNAL AUDIT REPORT: PLANNING & BUILDING CONTROL**
(C/M 2012/11/28 - D 10/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.5 page 36 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on Council's Planning & Building Control.

The report was submitted to Council's Audit & Risk Management Committee.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the findings with regard to inadequate communication and controls between the Corporate Services and Human Resources Department and Finance Department be noted and that adequate communication and controls should be implemented between Corporate and Finance Department.**
- (b) That re-zoning applications and updated valuation role should be timely communicated between the relevant departments.**
- (c) That Management implements a register (manual or electronic) on all re-zoning applications and should be updated and used by the Finance Department to check on a weekly or monthly basis that all applications have been processed.**
- (d) That the findings with regard to building/application fees incorrectly calculated be noted and that the Senior Building Inspector should review the "Engineering Form" for accuracy and completeness (including the stamp and receipt number from Finance Department) before final approval of the "Engineering Form" and the updated form be finalized and implemented by June 2013.**
- (e) That the General Manager: Engineering Services makes selected checks on the calculation of building plan fees and the results thereof be reported to the Audit & Risk Management Committee.**
- (f) That the "Engineering Form" be adequately filed and kept in a secure storage space.**
- (g) That the findings with regard to no formal and documented procedures with respect to planning and building control processes be noted and that Engineering Services Department assigns an official the responsibility of developing procedures for the Municipality's planning and building control process to be submitted to Council for approval and successful implementation and adherence by the relevant staff members by June 2013.**

- (h) That the General Manager: Engineering Services be responsible for overseeing the project in (g) above and that it is successfully completed and assumes accountability.**
 - (i) That the compiled procedures for the planning and building control process be submitted to Management Committee for approval and once approved the applicable processes be communicated to all planning and building control staff members for adherence and implementation.**
 - (j) That the findings with regard to building material delivery notes not filed be noted and that all delivery notes be signed by the Site Supervisor, adequately retained and given to the Works Section at least once a week with every new project.**
 - (k) That the Works Section takes responsibility to attach the signed delivery note to the order and approved invoices before submitting to Finance Department for payment, whereupon Finance Department should ensure that all the documents are received before any payment is made.**
 - (l) That the finding that building plan approval checklist not adequately completed or filed be noted, being a high risk observation and that the Senior Building Inspector ensures that all the items are ticked (initialled) by the relevant official before signing the sheet and no approval must be granted before the checklist is 100% completed.**
 - (m) That a revised checklist form be created by the Chief Building Inspector within the next two months to be implemented January 2013.**
 - (n) That the finding that building plan approval time is not within the set target of 3 weeks, be noted, being a high risk observation, and that consideration be given to approve building plans within 4 - 6 weeks and that a register be kept to track the approval process and such be implemented within the next 3 months.**
 - (o) That the Enquiry Office at the Building Inspectorate Office be open to the public as from 07:30 in the morning and only be closed the same time as the Cashiers Offices are closed to the public in order for the officials to finalize and update their administration and the public be informed accordingly.**
 - (p) That all the findings made by the internal auditor be noted and that the recommendations be implemented by the relevant departments.**
-

11.1.21 **INTERNAL AUDIT REPORT: ERVEN SALES & RENTALS**
(C/M 2012/11/28 - D 10/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.6 page 49 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on Council's Erven Sales & Rentals.

The report was submitted to Council's Audit & Risk Management Committee.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the findings made that rental is not levied timely and accurately by the Finance Department be noted and the General Manager: Finance ensures that the leases are timely and accurately captured on the Venus System and be reviewed on a monthly basis.**
 - (b) That the findings made that documents for the sale or lease of erven are not filed on the appropriate erven files be noted and that the General Manager: Corporate Services and Human Resources ensures that all correspondence and supporting documentation for the sale or lease of property be filed by the Archivist in the appropriate erven files and a checklist be implemented and be inserted in the cover page of the file which should be verified by the Property Officers ensuring all relevant documentation on the sale and lease of erven has been filed.**
 - (c) That the findings made that no copies of newspaper advertisements placed on the erven files be noted and that the Audit & Risk Management Committee notes that a "Notice Register", kept at Archives is in place where all notices placed are filed.**
 - (d) That all the findings made by the internal auditor be noted and that the recommendations be implemented by the relevant departments.**
-

11.1.22 **INTERNAL AUDIT REPORT: EXPENDITURE & STORES**
(C/M 2012/11/28 - D 10/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.7 page 57 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on Council's Expenditure & Stores.

The report was submitted to Council's Audit & Risk Management Committee.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the findings made on the Venus System, which allows the staff members of the Municipal Stores to change the quantity or values on orders without authorisation from the relevant General Manager be noted.
 - (b) That the limitation of the Venus System be addressed with the service provider to investigate other control measures as staff members are not to be allowed to make changes to orders.
 - (c) That a submission be compiled by the General Manager: Finance on the findings of the investigation made with the Service Provider finding a solution to implement control measures in this regard.
 - (d) That the findings made that there is no form of control in place to ensure that invoices that are to be certified are received from the General Managers of the relevant department are sent to Stores be noted and that the General Manager: Finance, on a weekly basis sent out an outstanding order report to all departments and that outstanding invoices be followed up by the Stores Controller on a weekly basis.
 - (e) That the findings made that no evidence exists of goods delivered by Stores are received by the departments be noted and that the General Manager: Finance implements a register where the approved requisitions are listed and the staff member receiving the commodities sign for the receipt thereof.
 - (f) That the findings made that policies and procedures are not comprehensive for the ordering, receiving and inventory management be noted and that the General Manager: Finance develops policies and procedures for the ordering and receiving process to be submitted to Management Committee for approval and once approved be communicated to all staff members dealing with ordering and receiving.
 - (g) That the finding that re-order levels are not reviewed annually be noted and that annual reviews be performed by the General Manager: Finance when the annual stock taking is done to ensure that it is adequate and addresses Council's needs.
 - (h) That all the findings made by the internal auditor be noted and that the recommendations be implemented by the relevant departments.
-

11.1.23 **INTERNAL AUDIT REPORT: HALLS & SPORTS GROUNDS**
(C/M 2012/11/28 - D 10/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.8 page 66 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on Council's Halls & Sports Grounds.

The report was submitted to Council's Audit & Risk Management Committee.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the findings made that halls and sports grounds rented out are not recorded on the bookings spreadsheet and inconsistent income balances between the monthly income report and the Venus report be noted.**
 - (b) That the matter in (a) above be investigated by the General Manger: Community Development Services together with the General Manager: Finance and be discussed with the Venus Service Provider and or Innkeeper Service Provider to create a system where bookings of halls and sports grounds to be rented out can be recorded for proper control and reporting.**
 - (c) That the findings made on incorrect tariffs charged for rented items be noted and that the General Manager: Community Development Services revisit the policy and tariffs/price list and to propose a price list per item and not per batch.**
 - (d) That the findings made that there are no standard operating procedures for Halls, Sports Grounds and open spaces be noted and that the General Manager : Community Development Services should develop Standard Operating Procedures for Halls, Sports Grounds and Open Spaces processes to be submitted to Management Committee for approval and implementation.**
 - (e) That the findings made that not all cheques for the refunding of deposits on lease of halls and sports grounds are recorded in the cheque register in accordance with the in-house finance procedure are noted and that the General Manager : Finance should oversee that all cheque collections are recorded in the cheque register to ensure that clients acknowledge receipt of the cheque when signing for it.**
 - (f) That all the findings made by the internal auditor be noted and that the recommendations be implemented by the relevant departments.**
-

11.1.24 **INTERNAL AUDIT REPORT: TRAFFIC**
(C/M 2012/11/28 - D 10/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.9 page 77 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on Council's Traffic.

The report was submitted to Council's Audit & Risk Management Committee.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the findings made on inadequate review of Traffic Officer's vehicle log forms be noted and that the Senior Traffic Officers should adequately complete and review the vehicle log forms before being signed off as evidence of review.**
 - (b) That the findings made that the current process does not make provision for the timely, independent confirmation/verification of the overtime worked and claimed by the Traffic Officers be noted and that adequate control system be implemented to monitor actual overtime hours worked by the Traffic Officers.**
 - (c) That the findings made on face value books not found be noted and that the Manager: Traffic should ensure that Traffic Officers should adhere to the process of signing of the face value books and that the Manager: Traffic performs spot checks to ensure that all face value books are accounted for and maintain the register of face value books adequately.**
 - (d) That the findings made on the Traffic Section's Record Room not properly organized be noted and a staff member at the Traffic Section be assigned to be kept responsible for the Record Room to be organized for the retrieval of the books and documentation.**
 - (e) That the findings made on the inability of the Traffic System to generate certain information captured from the face value books be noted and that the Manager: Traffic investigates and liaise with the service provider to repair and upgrade the Traffic System in place to be used effectively.**
 - (f) That all the findings made by the internal auditor be noted and that the recommendations be implemented by the relevant departments.**
-

11.1.25 **PROGRAMME FOR ORDINARY MONTHLY MANAGEMENT COMMITTEE- AND COUNCIL MEETINGS FOR THE YEAR 2013**

(C/M 2012/11/28 - A 2/3/1/1, A 2/3/1/4)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 8.14 page 107 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Ordinary Management Committee- and Council meetings are determined in terms of Sections 14 and 24 of the Local Authorities Act, (Act 23 of 1992, as amended). **Attached as Annexure "A"** is the proposed programme in respect of Ordinary Management Committee- and Council meetings to be held during the year 2013. A calendar for the year 2013 is **attached as Annexure "B"**.
2. In terms of Section 11 (2) (c) and 11 (4) of the Local Authorities Act (Act 23 of 1992, as amended) internal elections are to be conducted once a year, ***"... on a date within a period of 30 days before the date on which the period of office of the Mayor or Chairperson or Vice-Chairperson of a Local Authority Council so elected expires."***
3. The new office bearers will be sworn-in on **15 November 2013.**

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the attached programme for the Ordinary Management Committee- and Council meetings for the period January until November 2013 be approved.
 - (b) That the election of office bearers of Council be arranged to take place on Friday, 15 November 2013.
 - (c) That the General Manager: Corporate Services and Human Resources arranges with the district magistrate to chair and facilitate the election of officer bearers at the meeting scheduled for 15 November 2013.
-

11.1.26 **DIGITAL BILLBOARD ADVERTISING SIGNS AT THE TOWN ENTRANCES OF SWAKOPMUND**

(C/M 2012/11/28 - N 8/1/3)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.15 page 112 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached letter dated **18 August 2012**, was received from Messrs Kahlel Alive Advertising, requesting to introduce and propose the utilization of digital billboards at the town entrances of Swakopmund.

The aim is to set up and equip a network of location in Swakopmund with LED screens which is viewable from a distance of 3 to 450m. The digital billboard dimensions are 3.52m (w) by 0.96m (h), made out of water proof aluminum, with a life span of more than 100 000 hours.

The digital billboard can accommodate up to 17 advertisers per screen, each advert is displayed for 10 seconds. The screens will be able to display various educational and informational messages.

The billboard will enable the Swakopmund Municipality to:

- *Display safety messages (e.g. drive safely, don't drink and drive, etc.)*
- *Display important messages (e.g. next municipal meeting)*
- *Displaying of emergencies numbers*
- *Display rezoning notices*
- *Sale of erven*
- *Council can generate additional income by allowing different companies to display their advertisements and logos.*

Advantages:

- *Very high profile*
- *Brightly visible day and night*
- *Capture audience*
- *Located at major highly traffic intersections*
- *Each person viewing this screens is a target audience for every product or services*
- *Advertisement can be changed daily at very little cost*

The current Municipal advertisement policy does not allow the erection of billboards within the local area of Swakopmund. The only clause in the advertisement policy dealing partly with this matter is the application for advertising at the town entrances, which reads as follows:

1. Town Entrances

- (a) *Advertising signs at the entrances to town must be environmentally orientated*
- (b) *Detailed applications for advertising signs at the entrances to town have to be submitted to Council for approval of the sign as well as the position thereof. The position of each sign as approved by Council has to be confirmed on site by the Manager: Traffic Services and the General Manager: Engineering Services.*

13. (G) Any application to erect signs which are not in compliance with the aforementioned policy must be submitted to the Management Committee of the Municipal Council of Swakopmund for consideration thereof.

This is a new and modern technology worldwide which can be to the benefit to the community and Council.

Should this application be approved permission must be obtained from the Roads Authority if it is to be erected near or on the road reserve.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the application of Messrs Kahlel Alive Advertising to erect digital billboards at the entrances of Swakopmund be approved, subject to approval by the Roads Authority.**
 - (b) That a detailed application for advertising at the town entrance be submitted to Council for approval.**
 - (c) That the digital billboard be erected at the cost of Messrs Kahlel Alive Advertising.**
 - (d) That the exact position to be determined by the Manager: Traffic Services and Acting General Manager: Engineering Services.**
 - (e) That Messrs Kahlel Alive Advertising be responsible for the maintenance of the digital billboards.**
 - (f) That one Municipal advert be displayed for every four private adverts in lieu of a lease amount.**
-

11.1.27 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT**
(C/M 2012/11/28 - E 1774)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.16 page 120 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached application was received from Private School Swakopmund Foundation for a proposed height relaxation on Erf 1774, Swakopmund for the construction of a new high school.

The applicant is requesting Council's permission to exceed the prescribed height of 8.00m. The new proposed height will be 10.00m as per drawing. The height will contribute positively to the appearance of the building and will maximise outdoor areas for light, ventilation and outdoor activities.

The erf is zoned "*Institutional*" and has a height restriction of 8.00m. According to the Swakopmund Town Planning Scheme, Council may grant a relaxation, should it feel that it would not interfere with the amenities of the neighbourhood.

Excerpt from Town Planning Amendment Scheme No.12, Clause 5/H /2.3 for convenience.

2.3 Height

(a) No building shall exceed a height of 8m.

(b) Provided that:

The Council may relax the maximum height to 10 metres if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result.

The surrounding neighbours were contacted and no one objected. The intended use was further advertised as per Clause 6 (**Notice No. 47/2012-10-23**) and no objections were received.

B. After the matter was considered, the following was:-

RECOMMENDED:

That the application for the relaxation of building height from 8.00m to 10.00m on Erf 1774, Swakopmund be approved.

11.1.28 **APPLICATION FOR SPECIAL CONSENT TO ERECT TOWN HOUSES
ON THE GROUND FLOOR OF ERF 5784, (EXTENSION 18)
SWAKOPMUND**

(C/M 2012/11/28 - E 5784)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.17 page 131 refers.

A. The following item was submitted to the Management Committee for consideration:

Application was received from Messrs Lentin Architects on behalf of their client Messrs Dunes Property (Pty) Ltd to erect town houses on the ground floor of Erf 5784, (Extension 18) Swakopmund.

The applicant intends to develop Erf 5784, (Extension 18) Swakopmund into 8 single storey and 2 double storey town houses on the southern portion of the site with 3 single storey units fronting onto the street facing the single residential erven. The applicant will also develop 400m² of shops on the ground floor and 12 apartments on the upper floors facing the business site on the northern side of the street. The erf is zoned "*General Business*" and according to the Swakopmund Town Planning Scheme, an applicant may only with the special consent from Council erect blocks of flats or residential buildings on the ground floor.

Erf 5784, Swakopmund is bordered by a street on the north, Municipal property on the east, and a "*Single Residential*" erf on the south. On the west is a "*General Residential 2*" erf. The erven on the north side of the street are zoned "*General Business*" and the remainder of the erven to the south are "*Single Residential*".

The development by Messrs Dunes Property (Pty) Ltd will blend in harmoniously with the area.

The intended use was further advertised as per Clause 6 of the Swakopmund Town Planning Scheme, **Notice No. 20/2012-05-22** and no objections were received.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That consent to erect town houses on the ground floor on Erf 5784, (Extension 18) Swakopmund be approved.**
 - (b) That building plans be submitted to the Engineering Services Department for final approval by the Building Inspectorate before any construction is allowed.**
-

11.1.29 **SPECIAL CONSENT TO ERECT BUILDINGS FOR RESIDENTIAL PURPOSES (BLOCK OF FLATS) WHILE THE REZONING IS IN PROCESS**

(C/M 2012/11/28 - M 1845)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 8.18 page 140 refers.

A. The following item was submitted to the Management Committee for consideration:

Application was received from Messrs Ritta Khiba on behalf of their client for special consent to erect buildings for residential purposes (block of flats) while the rezoning is in process.

Erf 1845, Mondesa is located in Masilo Street, Mondesa, Extension 4 which is one of the older residential areas in Mondesa with a dynamic pattern of activities compared to other areas such as those in Tamariskia and Vineta and Swakopmund in general. The area where Erf 1845 Mondesa, is located is predominately residential with a mixture of land use activities varying from shebeens, bars, tuck shops, informal trading to mention but a few. It is a densely populated area and characterised by informal wooden structures and pockets of formal structures.

Council on **30 August 2012**, resolved as follows:

- (a) *That the rezoning of Erf 1845, Mondesa from "Undetermined" to "General Residential 2" with a density of 1 dwelling per 100m² be approved.*
- (b) *That the request for the consent to start with construction while the rezoning is in progress not be approved.*
- (c) *That the approved rezoning be included in the next Amendment Scheme for approval by the Ministry of Regional and Local Government, Housing and Rural Development.*
- (d) *That the Town Planner ensures that the applicable density zoning is adhered to depending on the outcome of the resolution of the dispute regarding the encroachment site of Erf 1845, Mondesa by the relevant developers.*

This application serves as a request to Council to re-consider condition (b) as a matter of urgency.

Erf 1845, Mondesa is currently zoned "*Undetermined*" as per Swakopmund Town Planning Amendment Scheme meaning that Council reserves the right to approve any use they might find to be applicable. It indicates that there is "***no primary use on an undetermined zoned erf only consent uses***". It is of the opinion as interpreted that there is no restriction in terms of use on Erf 1845 Mondesa. The erf may be utilised for any other use such as residential, general residential, office, business etc. which Council may permit as consent use should an erf owner request for that. This is also provided for in Table B of the Town Planning Scheme under columns 3 and 4.

Furthermore, the Town Planning Amendment Scheme also states that: "***no building or land in this zone shall be erected or used for a purpose other than the purposes for which it was being legally used***"

on the material date". On the material date, the land not use for any purpose and is still vacant till date. Any other use in terms of "consent uses" may only be permitted as approved by Council.

The request for consent to construct residential buildings while the rezoning is in progress is in line with the Swakopmund Town Planning Amendment Scheme. There is no primary use or activity allocated to Erf 1845, Mondesa. Council has full authority in terms of the Town Planning Scheme to approve the special consent.

B. After the matter was considered, the following was:-

RECOMMENDED:

That Messrs Ritta Khiba be granted special consent to commence with construction on Erf 1845, Mondesa while the rezoning is in process.

11.1.30 **APPLICATION FOR CONSENT TO OPERATE A “NOXIOUS”
INDUSTRY AND CONSTRUCTION OF A “CARETAKERS UNIT” ON
ERF 3955, SWAKOPMUND**

(C/M 2012/11/28 - E 3955)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.19 page 145 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached application was received from Messrs KB Designs on behalf of their client Messrs QE Construction for consent to operate a “*Noxious Industry*” on Erf 3955, Swakopmund and consent for the construction of a “*care takers unit*” on the property.

The erf is zoned “*General Industrial*” and according to the Swakopmund Town Planning Scheme, Council may grant consent for a “*Noxious Industry*” and care takers unit, should it feel that it would not interfere with the amenities of the neighbourhood or area.

Excerpt from Town Planning Amendment Scheme No.12, Clause 5/G /1 for convenience.

1. Primary Uses:
Industrial Building, Light Industrial, Warehouse, Dry Cleanette, Laundrette, Scrap Yard, Building Yard.
- Consent Uses:
Public Garage, Service Stations, Office Buildings, Shop, Place of Amusement, Place of Instruction, Noxious Industry.

Excerpt from Town Planning Amendment Scheme No.12, Definitions, for convenience.

“GENERAL INDUSTRIAL” means a building or land used where any person or persons performs work in connection with:

- (a) *The large scale manufacturing of any article or part of any article,*
- (b) *The sorting, assembling or packing (including washing or filling bottles or other containers) or articles,*
- (c) *The construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out),*
- (d) *The production and storage of gas in a holder of more than five hundred cubic metre storage capacity,*

or any other industrial use (noxious industries excluded) not included in the definition of a light industrial use: Provided that the provision of a dwelling unit and the sale of goods manufactured and produced on site or which are related to the main use may be permitted by the special consent of the Council.

The surrounding neighbours were contacted and one neighbour objected. Registered mail was also sent to some of the owners of the surrounding properties and no one replied. The intended use was further advertised as per Clause 6 (**Notice No. 47/2012-10-23**) and no objections were received.

The applicant requested the owner of the neighbouring property to give consent to operate a “*Noxious Industry*” form Erf 3599, Swakopmund as well as to construct a care takers unit on the property.

Objections raised by Mr G R Brettschneider, owner of Erf 3954, Swakopmund

Point 1: Noxious Industry - The planned industrial activities on Erf 3954, Swakopmund require reasonable low dust pollution and no toxic pollution. The high dust and noxious (Toxic and Harmful) pollution and possible spillage of toxic material in the production of bricks and ready mix concrete will have negative consequences for the planned industry on Erf 3954, Swakopmund and can therefore not be supported and allowed.

Discussion on Point 1:

An owner of an Erf is allowed to do whatever they want on their Erf given it has the right zoning and it is not in contravention of the Swakopmund Town Planning Amendment Scheme. Furthermore, Erf 3955, Swakopmund has a "*General Industrial*" zoning which according to the Swakopmund Town Planning Amendment Scheme make provision for a "*Noxious Industry*" if Council gives its consent. Many similar "*Noxious Industries*" are found in the Industrial area and very close to Erf 3955, Swakopmund. It would not be fair to the owner of Erf 3955, Swakopmund to deny him his right to use his erf as for a "*Noxious Industry*" if many such uses already exist in this area. The objector fails to state what the negative consequences are and it is the opinion that the objector is merely speculating. The Municipality has not received any complaints from any other properties that neighbours similar uses.

Point 2 Caretakers Unit on site: Because a Noxious Industry is planned no people should be allowed to reside (live on) on the erf other than to work during normal work hours. We wish to point out that any person(s) residing temporary or permanently on or close to a Noxious Industry are subject to a health risk and therefore such facilities on Erf 3955, Swakopmund cannot be supported and allowed.

Discussion on Point 2:

What risks is the question to be asked. It is no different than what the people working there experience. At night the plant does not operate and the caretaker unit is merely for a person to look after the establishment. How different is this from employing a security guard? The planned activities proposed for Erf 3955, Swakopmund will be operated during normal working hours of the day. After the day is done, no activities will take place on the said property unless it has to operate longer as it sometimes happen in such a heavy industrial area. Furthermore, a caretakers unit is allowed on a "*General Industrial*" erf according to the Swakopmund Town Planning Amendment Scheme with consent from Council. It is not the responsibility of a neighbour to justify whether a caretakers unit on an industrial erf is a health risk to anyone.

Conclusion

Erf 3955, Swakopmund is located in an industrial area which is especially created to accommodate activities such as batching plants and brick manufactures if Council allows it. Many such activities already operate in the industrial areas. Furthermore, such activities cannot operate anywhere else but on "*General Residential*" erven.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the application for consent to operate a “*Noxious Industry*” from Erf 3955, Swakopmund be approved.**
 - (b) That the application to construct a care takers unit on Erf 3955, Swakopmund be approved.**
 - (c) The Mr G R Brettschneider be informed of his right to object (in terms of Clause 8 of the Swakopmund Town Planning Amendment Scheme) to the Minister within 28 days of this notice against Council’s decision, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.**
-

11.1.31 **APPLICATION FOR PERMISSION TO OPERATE A TOURIST ESTABLISHMENT**

(C/M 2012/11/28 - G 2 (14))

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 8.20 page 160 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached application was received for the registration of a tourist establishment in terms of the Swakopmund Town Planning Scheme:

- *Plot 120, Swakopmund - Mr Z Ruch t/a Messrs Gecko Ridge - Tourist Establishment*

The owner of the above-mentioned plot has requested Council for permission to operate a tourist establishment consisting of 8 bedrooms on the property. The property is zoned "Agriculture" and according to the Swakopmund Town Planning Scheme, with special consent from Council a tourist establishment may be allowed.

Insert from the Town Planning Amendment Scheme No.12:

Table B: Erection and use of buildings and use of land

	ZONE	MAP REFERENCE	PURPOSES FOR WHICH LAND MAY BE USED	PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY
K	Agriculture	Green outline	Agricultural building	Tourist Facilities, Dwelling Houses, Farm Stall, Place of Instruction, Place of Public Worship, Shop, Tourist Establishment, Private Open Space

"TOURIST ESTABLISHMENT" means a building designed and or used as an accommodation establishment which is not a hotel and includes a pension, a caravan park, a guest house, a lodge, a backpackers lodge, a motel and all other establishments referred to in the definitions of 'Accommodation Establishments and Tourism Ordinance, 20 of 1973, as well as the regulations made thereunder, the Liquor Act 6 of 1998 and the Namibian Tourism Act 21 of 2000'.

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme in the Namib Times on **14 and 21 September 2012** and no objections were received.

B. After the matter was considered, the following was:-

RECOMMENDED:

That the application of Mr Z Ruch t/a Messrs Gecko Ridge for permission to operate a tourist establishment on Plot 120, Swakopmund be approved subject to the following:

- *That final approval only be granted once permission from the Namibian Tourism Board has been received.*
- *That they register with the Health Services Department and the Standard Health Regulations will apply.*
- *That Council reserves the right, to cancel a consent use should there be valid objections.*
- *That they must operate within the Town Planning Scheme Regulations.*

11.1.32 **APPLICATION FOR PERMISSION TO OPERATE A PLACE OF INSTRUCTION**

(C/M 2012/11/28 - E 536)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 8.21 page 169 refers.

A. The following item was submitted to the Management Committee for consideration:

Application was received from Private School Swakopmund Foundation for the registration of a place of instruction on Erf 536, Swakopmund.

The erf is situated on the corner of Mandume Ya Ndemufayo and Moses Garoeb street and is zoned "*Light Industrial*". According to the Swakopmund Town Planning Scheme, with special consent from Council a place of instruction may be allowed.

Currently, the school is accommodated on Erf 1772, Swakopmund and is in the process of applying to construct a new high school on Erf 1774, Swakopmund, which is the old Post Office in Vineta. The intention of Private School Swakopmund Foundation is to use the first floor of the current FCS Building on Erf 536, Swakopmund for educational purposes for the high school for the year 2013 until the new high school on Erf 1774, Swakopmund is completed.

Insert from the Town Planning Amendment Scheme No.12:

"PLACE OF INSTRUCTION" means a school, crèche, college, technical institute, academic lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children.

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Amendment Scheme (**Notice No. 47/2012-10-23**) and no objections were received.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the application of Messrs Private School Swakopmund Foundation for permission to operate a place of instruction on Erf 536, Swakopmund be approved.**
 - (b) That they register with the Health Services Department and the standard Health Regulations will apply.**
 - (c) That the consent use be subject to the following:**
 - *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That they provide sufficient parking on the premises.*
 - *That no on street parking will be tolerated.*
-

11.1.33 **APPLICATION FOR PERMISSION TO OPERATE A PUBLIC GARAGE**
(C/M 2012/11/28 - E 3995)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 8.22 page 177 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached application was received for the registration of a public garage in terms of the Swakopmund Town Planning Scheme:

- Erf 3995, Swakopmund, Unit 8 (Einstein Street) - Mr J Nel t/a Messrs Pupkewitz Motor Holdings (Pty) Ltd – Motor Vehicle Workshop
(Notice No. 47/2012-10-23)

The property is zoned “General Industrial” and according to the Swakopmund Town Planning Scheme, with special consent from Council a public garage may be allowed.

Table B: Erection and use of buildings and use of land

	ZONE	MAP REFERENCE	PURPOSES FOR WHICH LAND MAY BE USED	PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY
G	General Industrial	Dark Purple fill	Industrial Building, Scrap Yard, Warehouse, Building Yard, Dry Cleanette, Launderette, Light Industry	Service Stations, Office Building, Place of Instruction, Noxious Industry, Shop, Public Garage, Place of Amusement

Insert from the Town Planning Amendment Scheme No.12:

“PUBLIC GARAGE” means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles, a restaurant or café, spray painting panel beating, black smithery or body work.

All adjacent neighbours were contacted and no one objected. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme (**Notice No. 47/2012-10-23**) and no objections were received.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the following application for permission to operate a public garage on Erf 3995, Unit 8, Swakopmund be approved:
- Erf 3995, Swakopmund, Unit 8 (Einstein Street) - Mr J Nel t/a Messrs Pupkewitz Motor Holdings (Pty) Ltd - Motor Vehicle Workshop
(Notice No. 47/2012-10-23)
- (b) That Mr J Nel t/a Messrs Pupkewitz Motor Holdings (Pty) Ltd register with the Health Services Department and the standard Health Regulations will apply.
- (c) That the consent use be subject to the following:
- That Council reserves the right, to cancel a consent use should there be valid complaints.
 - That they must operate within the Town Planning Scheme regulations.
 - That the consent is not transferable.
 - That no on street parking will be tolerated.

11.1.34 **APPLICATION FOR PERMISSION TO OPERATE RESIDENT OCCUPATIONS (ADMINISTRATIVE OFFICES)**

(C/M 2012/11/28 - M 2819, E 1214, RM 74, T 496)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 8.23 page 186 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached applications were received for the registration of an administrative office in terms of the Swakopmund Town Planning Scheme Regulations:

- *Erf 2819, Mondesa - Mr E Shitima t/a Messrs Ensico Building Construction CC - Administrative Office
(Notice No. 47/2012-10-23)*
- *Erf 1214, Kramersdorf (78 Anton Lubowski Avenue) - Mr F J Bester t/a Messrs Desert Tours - Administrative Office (Tourism & related activities)
(Notice No. 47/2012-10-23)*
- *Erf 74, Rossmund - Mr N Birdsey t/a Messrs C Kit Engineers Namibia (Pty) Ltd - Administrative Office (Engineering & Design)
Notice No. 47/2012-10-23)*
- *Erf 496, Tamariskia (53 Kwarts Avenue) - Mr P Nande t/a Messrs Mano Nera Engineering & Sales - Administrative Office (Mining equipment trading)
(Notice No. 47/2012-10-23)*

The owners of the above-mentioned erven have requested Council for permission to operate Administrative Offices on their properties. The properties are zoned “*Single Residential*” and according to the Swakopmund Town Planning Scheme, with special consent from Council a resident occupation may be allowed.

Table B: Erection and use of buildings and use of land

	ZONE	MAP REFERENCE	PURPOSES FOR WHICH LAND MAY BE USED	PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY
A	<i>Single Residential</i>	<i>Yellow fill</i>	<i>Dwelling house</i>	<i>Place of Public Worship, Place of Instruction, Resident Occupation, Residential Guest House</i>

Insert from the Town Planning Amendment Scheme No.12:

“RESIDENT OCCUPATION” means any commercial or industrial use conducted within a dwelling and carried on by the inhabitants thereof, subject to the following:

- (i) *The resident occupation shall be confined to one third of the total floor area of the said dwelling;*
- (ii) *The resident occupation must be carried out entirely within the dwelling to include the basement, outbuilding, garage, and/or attic of the dwelling.*
- (iii) *The home occupation must be clearly incidental and secondary to the residential use of the dwelling;*
- (iv) *The residential character and appearance of the dwelling and the property on which it is located shall not be changed in any visible manner. No advertisement of the existence of the resident occupation shall be visible from the dwelling or the erf on which it is located, except for one sign as permitted by this Scheme;*

- (v) *No materials or products shall be stored on the erf outside in such a manner as to be visible from any adjacent property;*
- (vi) *Display of merchandise or products of the resident occupation for sale may be permitted at the discretion of Council in keeping with subparagraph (iv) above;*
- (vii) *The resident occupation shall not create any objectionable noise, odor, vibration or unsightly conditions;*
- (viii) *The resident occupation shall not create a health or safety hazard;*
- (ix) *The resident occupation shall not create any interference with communication transmission or reception in the vicinity;*
- (x) *Only products that are substantially manufactured or fabricated in the dwelling solely by the inhabitants thereof shall be sold as part of the resident occupation. Products not manufactured or fabricated within the dwelling by the inhabitants may only be sold by catalogue sales and may not be stocked for retail sales within the residence. Incidental sales of products directly associated with the resident occupation may be permitted by Council;*
- (xi) *The resident occupation may employ up to 2 full time employees.*

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme (**Notice No. 47/2012-10-23**) and no objections were received.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) **That the following applications for permission to operate Administrative Offices be approved:**
 - *Erf 2819, Mondesa - Mr E Shitima t/a Messrs Ensico Building Construction CC - Administrative Office (Notice No. 47/2012-10-23)*
 - *Erf 1214, Kramersdorf (78 Anton Lubowski Avenue) - Mr F J Bester t/a Messrs Desert Tours - Administrative Office (Tourism & related activities) (Notice No. 47/2012-10-23)*
 - *Erf 74, Rossmund - Mr N Birdsey t/a Messrs C Kit Engineers Namibia (Pty) Ltd - Administrative Office (Engineering & Design) (Notice No. 47/2012-10-23)*
 - *Erf 496, Tamariskia (53 Kwarts Avenue) - Mr P Nande t/a Messrs Mano Nera Engineering & Sales - Administrative Office (Mining equipment trading) (Notice No. 47/2012-10-23)*
 - (b) **That they register with the Health Services Department and the standard Health Regulations will apply.**
 - (c) **That the consent use be subject to the following:**
 - *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That they provide sufficient parking on the premises.*
 - *That no sales from the premises are allowed.*
 - *That no storage of equipment to be done on site.*
 - *That no on street parking will be tolerated.*
-

11.1.35 **LEASE PROPOSAL FOR UNIMPROVED PORTIONS OF LAND FOR LIGHT INDUSTRIAL INCUBATION SITE**

(C/M 2012/11/28 - H 5)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 8.24 page 226 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction

A portion of the Remainder of Portion 5 of Swakopmund Town and Townlands No.41 located adjacent to the railway has been earmarked for small and medium enterprises. The portion referred to is subdivided into ten sites measuring 1000m² each. Six sites are currently being leased to the informal brick makers and Council allocated one site for making aluminium and mild steel products, while three are still vacant. A map indicating the sites available is **attached**.

2. Background

Numerous applications to lease the available sites were received from the public whereafter the Management Committee on **11 February 2010** passed the following resolution:

That, in future, applications for brick making at the informal brick making area not be considered by the Management Committee and that such applicants not be submitted to the Management Committee.

Subsequent to the above resolution, Council's on **29 March 2012** under item 11.1.7 passed the following resolution:

(d) That the General Manager: Corporate Services and Human Resources invites proposals for the remaining two (2) vacant sites at the informal brick making area in Mondesa.

Ms L M Xaweb cancelled the lease of her site on **29 March 2012**, therefore 3 sites are available instead of the two mentioned above.

The Management Committee on **16 June 2011** resolved the following under item 7.12 (b):

(b) That any new allocation only be considered when current lease agreements are terminated.

3. Discussion

Attached annexure "A" is a draft document for the invitation of proposals from Small and Medium Entrepreneurs for the available sites.

The following concerns were discussed at the Planning Forum on **23 October 2012**:

(i) Proposed Activities

Ventures relating to light industrial should be specified, although the allocation will be done at Council's discretion.

(ii) Improvements

What type of improvements will be allowed to be erected on vacant sites? Bearing in mind that Council does not allow permanent structures on lease land. According to Engineering Department, a permanent structure is any type of roof whether it's cardboard, asbestos or iron with a cement floor. Keeping in mind that the lessees need to safeguard their equipment and products.

(iii) Provision of Services

Currently the portion is only connected to the water line. No sewerage and electricity is available. Any additional services are the responsibility of the lessee and may be installed at their cost.

In order to invite lease proposals for the available sites, the proposed document is submitted to the Management Committee for approval.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the attached "Invitation for Lease Proposals" document be approved with reference to the proposed activities, improvements to be erected and provision of services.**
 - (b) That the site cancelled by Ms L M Xaweb be included in the invitation for lease proposal documents in line with the Council resolution passed on 29 March 2012.**
 - (c) That the notice for the invitation for lease proposal be posted to the various applicants on file who expressed their interest to obtain a site at the area.**
 - (d) That the applicants take notes of the available services and that any additional services will be installed at their cost.**
-

11.1.36 **APPOINTMENT OF DIRECTORS: ERONGO RED**

(C/M 2012/11/28 - A 4/3/1/16)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 9.2 page 03 refers.

A. The following item was submitted to the Management Committee for consideration:

Council at an Extra-Ordinary Council meeting held on **11 October 2012**, under item 3.1 (c), resolved as follows:

(c) *That the following candidates be elected/nominated to serve as board members to represent Council on the Erongo RED Board:*

- | | | | |
|------|------------------------|---|---------------------|
| (i) | Mr Florian Hartzenberg | - | CIMA Member |
| (ii) | Mr Werner Ewald | - | Electrical Engineer |

Alternate

- | | | | |
|------|--|---|---------------------|
| (i) | Ms Lempie Joel (secundi to Mr F Hartzenberg) | - | HR Expert |
| (ii) | Mr Maurice Jankowski (secundi to Mr W Ewald) | - | Electrical Engineer |

Attached, find the self-explanatory mail received from Mr W Ewald, not accepting the appointment due to work commitments.

Council is requested to nominate technical representatives to represent Council on the Board of Directors of Erongo RED.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council takes note and accepts that Mr W Ewald has declined the appointment on the Erongo RED Board of Directors due to increased work commitment.
 - (b) That no additional member or replacement for Mr W Ewald to represent Council on the Board of Directors of Erongo RED be appointed at this time.
-

11.1.37 **REQUEST FOR SPONSOR FOR MR H ZAKAAPI**
(C/M 2012/11/28 - D 5)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 9.3 page 05 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached letter was received from Mr A Zakaapi, thanking the Council for the support towards his son for the past two years, who is severely handicapped due to cerebral palsy and permanently in a wheel chair; he cannot walk, use his hands or do anything for himself.

The son was operated recently by Dr K Frielingsdorf in Windhoek trying to straightening his legs and he still has to undergo seven operations. With previous submission it was mentioned that the Medical Aid does support the medicines, special milk formulas and nappies that the boy requires. The current year (2012) the cost is N\$989.10 per month, but it has now increase with 10% for 2013 which is N\$1 099.00 per month.

It is against this background that he is requesting the Council to hear his plea and consider extending the financial assistance to the year 2013 while he is knocking at other institutions for assistance.

Management Committee on **10 March 2011** resolved as follows:

- (a) *That Council approves the plea of Mr W Ewald to assist Mr H Zaakapi on a monthly basis with the special milk formula and nappies.*
- (b) *That Mr A Zakaapi (the father) furnishes the Office of the Mayor with an invoice on a monthly basis.*
- (c) *That Messrs Cottage Family Practice be paid monthly upon receipt of invoice.*
- (d) *That the sponsorship be considered for this current year (2011) only.*
- (e) *That the funds for purchasing the nappies and the special milk formula be defrayed from the Mayoral Development Fund where N\$202 800.57 is available.*

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) **That Council assists Mr A Zakaapi's son with N\$1 099.00 per month to purchase the special milk formula and nappies for the year 2013.**
 - (b) **That Mr A Zakaapi furnishes the Office of the Mayor with an invoice on a monthly basis.**
 - (c) **That a cheque be made out monthly to the Cottage Family Practice upon receipt of invoice.**
 - (d) **That the amount of N\$13 188.00 for twelve months to purchase the nappies and the special milk formula be defrayed from the Mayoral Development Fund Vote 960120408709 where N\$90 288.95 is available.**
-

11.1.38 **SELLING OFF OF EXCESS ANNUAL LEAVE DAYS**
(C/M 2012/11/28 - B 1/8)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum **9.4** page **07** refers.

A. The following item was submitted to the Management Committee for consideration:

A proposal was submitted to the Planning Forum on **10 July 2012** to consider the possible option of selling off of excess leave. After discussions, the following was resolved:

(a) *That the proposed amendment be discussed with the Union.*

(b) *That the final proposal be submitted to the Management Committee for approval.*

Recommended to the Management Committee:

(a) *That staff members be allowed to sell off their excess annual leave days only once per year in January or February as follows:*

Paterson Bands A1 - B5 in excess of 20 working days

Paterson Bands C1 - E4 in excess of 30 working days

(b) *That staff members only be allowed to sell off their leave if they already took their annual vacation leave during the previous leave cycle, i.e. during January until December:*

Paterson Bands A1 - B5 : 15 consecutive working days or 2 times 10 working days

Paterson Bands C1 - E4 : 20 consecutive working days or 2 times 10 working days

(c) *That the resolution taken by the Senior Management Team on 12 May 2009 be amended to read as follows:*

That the General Managers must ensure that staff members take at least 15 consecutive working days vacation leave per annum for staff members in Paterson Bands A1 - B5; and 20 consecutive working days for staff members in Paterson Bands C1 - E4, or 10 consecutive working days twice a year, and that the remaining leave days may be utilized as occasional leave.

The union was informed accordingly and requested to provide their input. A letter was received from the union, expressing their thanks and appreciation for Council's consideration and effort regarding implementing a policy to sell off excess leave.

However, they did not agree to the limitation to sell leave days only during **January** and **February**, as they feel that their members' needs are not limited to a particular time during the year, and hence the request not to have time limitations. This matter was re-submitted to the Planning Forum on **9 October 2012** where it was decided to open up the opportunity to sell off excess days leave throughout the year.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That permission be granted for staff members to sell excess annual leave days in excess of 24 working days for all staff members, provided that they already took their prescribed annual vacation leave of 15 consecutive working days or 2 times 10 working days during their previous leave cycle.**
 - (b) That the resolution taken by the Senior Management Team on 12 May 2009 be repealed.**
 - (c) That Heads of Departments ensure that their respective departments maintain an Annual Leave Plan for their staff members.**
 - (d) That the Conditions of Employment be updated accordingly.**
-

11.1.39 **REPORT: COMMEMORATION OF THE MUNICIPAL HIV/AIDS AWARENESS DAY**

(C/M 2012/11/28 - B 1/5/2, B 1/12)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 9.5 page 09 refers.

A. The following item was submitted to the Management Committee for consideration:

Management Committee on **16 August 2012**, resolved as follows:

- (a) *That permission be granted to the Municipal AIDS Committee to host the Municipal HIV/AIDS Awareness Day on 31 August 2012 in the Council Chambers focusing on education, testing, treatment and involvement*
- (b) *That all Councillors and staff members be invited to attend the event*
- (c) *That the cost for refreshments and payment of the main speakers for the event be defrayed from HIV/AIDS Fund Vote 100510737000 where N\$5 000.00 is available*

On **19 October 2012**, the Municipal HIV/AIDS Committee (MAC) hosted a half day Municipal HIV/AIDS Awareness Day in the Council Chambers. The day was successfully attended by the majority of the municipal employees.

The event was officially opened by the Chairperson of the Management Committee, Cllr Nehemia Salomon, while the Deputy Mayor, Cllr Juuso Kambueshe formally addressed the employees. The primary focus for the day was to create self-awareness amongst workers on how to prevent the transmission of HIV and also to address the HIV/AIDS stigma and discrimination in the workplace.

The event was facilitated by Mr Herman Honeb, a Technical Committee member of RACOC (Regional AIDS Co-ordinating Committee), together with the two motivational speakers, Mr Bernhard Kamatoto and Ms Herlyn Uiras. Ms H Uiras and Mr B Kamatoto were invited to share their life experiences regarding living with HIV/AIDS as both have been living with the HIV virus for more than 12 years.

The 2010/11 sentinel survey indicates that about 17.8% of the Swakopmund population is infected with HIV and it goes without saying that some of these individuals could be Municipal staff members.

Stigma remains the main reason why too many people are afraid to see a trained medical health worker to determine whether they are infected, or to seek appropriate interventions, if so. Most people die in silence because they fear to be ostracized by the community and family members, or to take easily available precautions. Stigma not only makes it more difficult for people trying to come to terms with HIV/AIDS and manage their illness on a personal level, but it also interferes with attempts to fight the HIV/AIDS epidemic as a whole. It makes individuals reluctant to access HIV testing, treatment and care. An unwillingness to take an HIV test means that more people are diagnosed late, when the

virus has already progressed to AIDS, thus making treatment less effective and causing early death.

An exercise was done to evaluate the impact of the disease on the workforce which was in the form of a questionnaire reflecting on personal experiences regarding the disease, and almost all workers accepted that they have experienced the impact of the disease in the family, friends and colleagues.

The questions raised by employees?

- *What is the difference between the HIV infection and AIDS?*
- *How long does it take to go from the HIV infection to a diagnosis of AIDS?*
- *What are some of the other diseases I could get?*
- *Where can I find help with regard to HIV in the Municipality?*
- *Why do people with HIV/AIDS always die from TB? Is there any difference between TB and HIV?*

Following the above event, the Municipal HIV/AIDS Committee held its feedback meeting on 01 November 2012, and decided on specific interventions to help address the concerns raised. The MAC is specifically concerned with the lack of knowledge and ignorance amongst staff members with regard to HIV/AIDS and has decided to embark on the following programs;

- *To review and update the Municipal HIV/AIDS Policy,*
- *To elect Peer Educators, and*
- *To train MAC members & Peer Educators, as well as the appointment of the Wellness Nurse.*

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the MAC facilitates the nomination and election and training of Peer Educators.**
 - (b) That the MAC identifies a suitably qualified and experienced service provider to train both the Peer Educators and the MAC members.**
 - (c) That the Training Room be utilized for the Municipal HIV/AIDS training sessions.**
 - (d) That funding for the proposed training sessions be defrayed from the HIV/AIDS Fund Vote 963032105009 where N\$482 776.84 is available.**
 - (e) That in future, the commemoration of the Municipal HIV/AIDS Awareness Day be held in line with the International commemoration of World AIDS Day.**
-

11.1.40 **SUBMISSION OF THE FURTHER AFFIRMATIVE ACTION REPORT**
(C/M 2012/11/28 - B 1/10)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 9.6 page 11 refers.

A. The following item was submitted to the Management Committee for consideration:

According to the Affirmative Action Act of 1998, Sections 27 (2) and 28 (2) a further Affirmative Action Report must be submitted to the Employment Equity Commissioner.

Attached the mentioned report, which contains the following:

1. *Non-Namibian Employees and Namibian Understudies;*
2. *Statistical Reports;*
3. *Affirmative Action Plan and Compliance Certificate;*
4. *Evaluation of Affirmative Action Plan Implemented;*
5. *Summary of Affirmative Actions Measures;*
6. *New Affirmative Action Plan and Numerical Goals for 2013 – 2015; and*
7. *Records of Consultative Meetings.*

B. After the matter was considered, the following was:-

RECOMMENDED:

That the attached Affirmative Action Report 2012 with the attachments be forwarded to the Employment Equity Commissioner.

11.1.41 **INVITATION FROM OMARURU MUNICIPALITY FOR GALA DINNER**
(C/M 2012/11/28 - A 2/3/1/4)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum 9.7 page 46 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached, letter is received from Omaruru Municipality inviting the Council to purchase a table for ten persons to the amount of N\$5 000.00. The Gala Dinner took place on **27 October 2012** in Omaruru.

The matter was discussed at the Mayoral Office meeting with the Mayor, Deputy Mayor, Chairperson of Management Committee, Councillor R N Andreas-Noabes, Councillor A N Bessinger, Councillor F Hamukwaya and Councillor U Kaapehi.

It was decided that Council will purchase one table to the amount of N\$5 000.00 and that Councillor U Kaapehi represent Council at this Gala Dinner.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the action taken by Councillors at the weekly Mayoral meeting to purchase a table at the Omaruru Gala Dinner be condoned.**
 - (b) That the payment of the normal out of town allowance to Councillor U Kaapehi be condoned.**
 - (c) That the amount of N\$5 000.00 for the Omaruru Gala Dinner and the normal subsistence and travelling be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$40 600.00 is available.**
 - (d) That the Chief Executive Officer submit a subsistence and travelling policy and guideline procedure for Council.**
-

11.1.42 **INVITATION FROM WALVIS BAY MUNICIPALITY FOR MAYOR'S ANNUAL FUNDRAISING DINNER**

(C/M 2012/11/28 - A 2/3/1/4)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 9.8 page 48 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached, letter was received from Walvis Bay Municipality inviting the Council to purchase a table of ten persons at a cost of N\$10 000.00 towards the Mayoral Relief Fund in order to assist persons in need within the Port City. The Gala Dinner is schedule to take place on **26 October 2012** in Walvis Bay.

Council on **22 October 2012**, decided to purchase one table to the amount of N\$10 000.00 and additional pledge of N\$5 000.00.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the amount of N\$20 000.00 paid to Walvis Bay Municipality towards the Gala Dinner held on 26 October 2012 and attended by the Mayor, Councillor R N Andreas-Noabes, Councillor A N Bessinger and Councillor U Kaapehi be condoned.**
 - (b) That the cost be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$35 600.00 is available.**
-

11.1.43 **REQUEST FOR FINANCIAL ASSISTANCE: ENDOWMENT FUND FOR ESTABLISHING UNIVERSITY CAMPUS**

(C/M 2012/11/28 - A 1/3/20)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 9.9 page 50 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached letter was received from the Governor Office requesting financial support towards the Launch of the Endowment Fund for the Establishment of the University Campus in Keetmanshoop, Karas Region.

The matter was discussed with the Acting Chief Executive Office, Mr Ipinge, The Mayor and the Chairperson of the Management Committee to contribute N\$10 000.00 towards the Endowment Fund.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the action of the Mayor, Chairperson of the Management Committee and Acting Chief Executive Officer to contribute an amount of N\$10 000.00 towards the Endowment Fund for the establishment of the University Campus be condoned.**
 - (b) That the funds be defrayed from the Surplus Fund Vote 960130531006 where N\$34 071 524.90 is available.**
-

11.1.44 **ELECTION OF THE NEW DECENTRALISED BUILD TOGETHER COMMITTEE**

(C/M 2012/11/28 - H 5/3)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 10.1 page 01 refers.

A. The following item was submitted to the Management Committee for consideration:

Council on **25 October 2012** resolved as follows:

That this item be referred back and be resubmitted to the next Management Committee meeting.

In terms of the Build Together Guidelines and procedures, the Decentralised Build Together Committee (DBTC) should accommodate and balance the interest of all concerned thus it recommends that a dynamic person from a local NGO also be present on the DBTC.

To this end, Community Development Services Department requested NANGOF to nominate 5 (five) possible candidates where Council will choose 1 (one) to serve on the Decentralised Build Together Committee. **Attached** letter was received from NANGOF advising Council on the names of the 5 (five) NGO's representatives.

Name	Organisation
<i>Barnabas Kambara</i>	<i>District Aids Committee</i>
<i>Anna Garises</i>	<i>SFN and Victory Woman</i>
<i>Emilie Tizentrespo</i>	<i>DRC Women's project</i>
<i>Ambrosius Marsh</i>	<i>DRC Development Foundation</i>
<i>Erastus A Mbundu</i>	<i>Build Together Project</i>
<i>Naftalina N Mauha</i>	<i>Tears of Hope</i>

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Ms Anna Garises from Messrs SFN and Victory Woman be nominated to serve on the Decentralised Build Together Committee.**
 - (b) That the name of the nominee in (a) be forwarded to the Ministry of Regional and Local Government, Housing and Rural Development for appointment by the Minister.**
-

11.1.45 **DEVELOPMENT OF A MATERIAL RECOVERY FACILITY (MRF) AT AND THE MANAGEMENT OF THE LANDFILL SITE INSWAKOPMUND**
(C/M 2012/11/28 - G 1/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum **10.2** page **03** refers.

A. The following item was submitted to the Management Committee for consideration:

Council on **24 April 2008** resolved as follows:

- (a) *That Council awards the rehabilitation and management of the Municipal waste site to Messrs Enviro-Fill (Pty) Ltd, in principle, subject to the submission of:*
 - (i) *The Scope of Work to be done*
 - (ii) *Operational plan, timeframe and especially how the current reclaimers will be accommodated on the site.*
- (b) *That the General Manager: Health Services and Chief Executive Officer negotiate the terms and conditions of the Service Agreement and submit the final agreement to Council for consideration.*
- (c) *That the project be funded from the Creation of New Refuse Plant Vote 301031605000, where an amount of N\$2 500 000.00 is available.*
- (d) *That the General Manager: Health Services be authorized to appoint Contract Workers to clean up windblown litter north-east of the Dumping Site up to the B2 national road, also to be funded from the vote mentioned in (c) above.*
- (e) *That the Chief Executive Officer ensures that the relevant Tender Board regulations have been adhered to.*

Council on **31 July 2008** resolved as follows:

- (a) *That the Service Agreement and related documents as recommended and submitted by Council's legal advisors be accepted.*
- (b) *That the services of Messrs Enviro-Fill be sourced for the purposes of rehabilitation and management of the site as approved by Council and subject to the signing of the Management Agreement.*
- (c) *That the project be funded from Vote 301031605000, Creation of New Refuse Plant, where an amount of N\$2 500 000.00 is available.*

A memorandum of agreement was signed between the two parties and the term of the validity of the agreement was set at a period of five (5) years which agreement expires at the end of **August 2013**.

Council in the meantime formed a partnership with Malmö City (Sweden) and as part of the agreement, adopted strategies aimed at implementing improved Solid Waste Management objectives. One of these objectives included the development of a Material Recovery Facility (MRF) on the landfill site.

On **28 January 2010** Council considered a proposal of Messrs Enviro-Fill Namibia to construct a Material Recovery Facility (MRF) as part of an activity adopted in the North South Partnership agreement to improve waste management in Swakopmund. It was then inter alia resolved under item 11.1.9 as follows:

- (a) *That a Swakopmund Waste Management Partnership (Municipality and Messrs Enviro-Fill/Rent-A-Drum) be established and that a strategy be developed to increase recycling volumes and to reduce the volume of waste that is deposited at the landfill.*
- (b) *That Messrs Enviro-Fill/Rent-A-Drum are given permission to construct and manage the new Material Recovery Facility at the landfill site at their own cost and subject to finalization of all statutory processes and that the erected facility be donated to Council upon expiry of the agreement.*

- (c) *That with effect 01 April 2010 the Municipality allows Messrs Enviro-Fill/Rent-A-Drum to implement a clear bag recycling collection system in town for a trial period of six (6) months where all recyclables collected will be the property of Messrs Enviro-Fill/Rent-A-Drum.*
- (d) *That the Chief Executive Officer and General Manager: Health Services be mandated to monitor and control the implementation of the Swakopmund Recycling Project in conjunction with Messrs Enviro-Fill/Rent-A-Drum.*

A draft service agreement for the operation of the MRF was received and considered but referred to Council's legal advisors for perusal. Certain shortcomings in the agreement were identified i.e., contents and working operations of a MRF. The parties then agreed that the matter should first be referred to Council for clearance as to decide on the way forward.

The matter was thus submitted to Council and at a Management Committee meeting held on **12 April 2012** under item 7.10, it was inter alia resolved as follows:

That this item be referred back and that the General Manager: Health Services determines the most viable option for the Solid Waste Management Plant and report back to Management Committee.

The General Manager: Health Services in the meantime discovered that the North South Programme between municipalities adopted by the Namibian Government started up in the year 2000 and includes inter alia a similar programme as the current one between Sweden (Malmo City) and Namibia (Swakopmund). The Finnish partnership is built on Local Democracy, Development and Social Innovations (PLDDSI). The programme operates at the municipal level and was originally started up by the Finnish Local and Regional Authorities, involving e.g. Ondangwa and Keetmanshoop municipalities.

On the basis of focal operational areas with other Municipalities in Namibia, the General Manager: Health Services entered into discussions with the Honorary Consul of Namibia to Finland to determine whether the programme objectives and action plans make any provision for waste management and Environmental Health issues. All indications were that the Finnish-Namibian municipal partnership programme was involved in an in depth survey on waste management and recycling as well as developmental plans that was published in a related document in 2010. Potential recycling businesses with private-public partnerships in Ondangwa and Keetmanshoop in particular and in Namibia in general were identified.

It was at this point that the Council's strategic goals and objectives in terms of improved solid waste management principles and recycling goals were tabled and the outcome of the discussions revealed that:

1. *The Finnish programme identified Rent-A-Drum, a private waste entrepreneur in Namibia, as the private-public partner based on its experience in the field of Solid Waste Management to deliver a full-scale Recycling and Solid Waste Management Service in Namibia, in cooperation with Finnish company partner Molok, manufacturer of an innovative deep collection system of waste.*
2. *The partnership between Rent-A-Drum, Finnish company Molok Ltd, Polytechnic of Namibia and Tampere University of Applied Sciences TAMK will provide support for the innovation, research, planning and development of the Material Recovery Facility (MRF), integrated in an innovative deep collection system of waste that can serve the coastal community.*
3. *Support may even include promoting a local industry where recycled products can be processed instead of carting it to other countries.*

4. *In terms of Local Economic Development, the process can enhance the local SME Sector by supporting small related business ventures with locally designed training programmes.*
5. *Supports the Polytechnic of Namibia in planning its environmental education programmes as well as research and innovation processes on specific topics.*
6. *The process will support and advice facilitating funding for the MRF which in turn will lead to job creation, further industrial development and controlled recycling systems.*
7. *The program motivated and introduced the development of a Deep Collection System (Molok System) which could replace the conventional waste storage and removal system because it provides more capacity, longer intervals in between removals, improved hygiene, improved convenience and space saving above ground level, as well as Molok deep collection system improves visual image of municipal infrastructure and environment.*
8. *The program is involving Finnish government support to Molok-Rent-A-Drum cooperation through approved FINNPARTNERSHIP –funding and cooperation with Ministry of Environment and Tourism in Namibia and newly established Environmental Investment Fund EIF as well as Finnish Fund For Industrial Cooperation FINNFUND is under negotiations.*

A Finnish delegation visited the Municipality of Swakopmund on 1 November 2012. The Mayor Chairperson of Management Committee and Chief Executive Officer attended a meeting where the delegation elaborated on the importance for Swakopmund to be part of a larger Government initiative to promote the North South Partnership Programme, which has as one of its activities to increase recycling initiatives and expand the industry so as to be self supporting in Namibia. (See the **attached** letter of commitment)

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) **That the General Manager: Health Services enters into negotiations with Messrs Rent-A-Drum in collaboration with the Finnish program to develop and manage the planned Material Recovery Facility at the Landfill Site, for approval by Council.**
 - (b) **That the Council Resolution taken on 28 January 2010 be repealed:**
 - (a) *That a Swakopmund Waste Management Partnership (Municipality and Messrs Enviro-Fill/Rent-A-Drum be established and that a strategy be developed to increase recycling volumes and to reduce the volume of waste that is deposited at the landfill.*
 - (b) *That Messrs Enviro-Fill/Rent-A-Drum be given permission to construct and manage the new Material Recovery Facility at the landfill site at their own cost and subject to finalization of all statutory processes and that the erected facility be donated to Council upon expiry of the agreement.*
 - (c) *That with effect 01 April 2010 the Municipality allows Messrs Enviro-Fill/Rent-A-Drum implements a clear bag recycling collection system in town for a trial period of six (6) months where all recyclables collected will be the property of Messrs Enviro-Fill/Rent-A-Drum.*
 - (d) *That the Chief Executive Officer and General Manager: Health Services be mandated to monitor and control the implementation of the Swakopmund Recycling Project in conjunction with Messrs Enviro-Fill/Rent-A-Drum.*
-

11.1.46 **APPLICATION FOR PERMISSION TO OPERATE A PLACE OF INSTRUCTION - SCHOOL OF EXCELLENCE**

(C/M 2012/11/28 - E 1328)

Ordinary Management Committee Meeting of 15 November 2012, Addendum 10.3 page 08 refers.

A. The following item was submitted to the Management Committee for consideration:

Attached application was received from Ms H Meyer for the registration of a "Place of Instruction" on Erf 1328, Swakopmund, in terms of the Swakopmund Town Planning Provisions:

- *Erf 1328, Swakopmund (5 Offen Street) - Ms H Meyer t/a Swakopmund School of Excellence CC.*

The applicant has requested Council for permission to operate a school from the property. The property is zoned "General Residential" and according to the Town Planning Scheme Regulations, with special consent of Council a "Place of Instruction" may be allowed.

Insert from the Town Planning Amendment Scheme No.12:

"PLACE OF INSTRUCTION" means a school, crèche, college, technical institute, academic lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children.

General Residential 1 - TABLE B2: Provision of Parking

USE	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
<i>Dwelling Houses</i>	<i>As determined by Council.</i>
<i>Other Residential Buildings</i>	<i>1 per dwelling unit</i>
<i>Youth Organisation</i>	<i>1 per 10 members/residents; min: 4 bays</i>
<i>Pension & Bed & Breakfast</i>	<i>A minimum of 2 plus 1.5 per room</i>
<i>All other uses</i>	<i>As determined by Council</i>

All adjacent neighbours were contacted and no objections were received. It should be noted that only the Body Corporate of Kolonnen Park was approached for consent and not the tenants. The tenants do have the right to object as they are interested and affected parties with regard to the proposed application. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Amendment Scheme in the Namib Times on **4 September** and **11 September 2012** and one objection was received.

Objection as received from Mr A van der Westhuizen (Tenant of 9 Kolonnen Park)

Objection 1:

It is mentioned in the letter for consent that the school intends to accommodate approximately 40 children. This is unacceptable as a tenant living directly across Erf 1328. The property is zoned as "General Residential" 1 with a density of 1:100 and measures approximately 1301.89m². The density only allows 13 units to be built on the property if developed to the maximum which is

highly unlikely. In terms of parking one per unit is required but for argument sake we calculate 2 per unit as most complexes will have either tandem or double garages. It is highly unlikely that if the erf is developed to its full potential that there will be 26 cars moving in and out every day. With the intentions of the applicant it is clear that more vehicles will be using this street to drop the children at the proposed school.

In fact the calculation below will indicate the severity of the situation as 40 children every day = 40 cars and the 8 parking bays required for the staff on the premises equals 48 cars. This can even be more as there is no limit to these uses. Once they have the consent they maximize for maximum profits. Is it really fair to burden surrounding neighbours with the increased traffic conditions? There is no drop-off or loading zone on the premises which means that all these activities will take place in the street. What makes it even worse is the fact that all the garages of Kolonnen Park is situated directly across Erf 1328 meaning that in the mornings and afternoon the residents will be burdened with cars blocking their garages and driveways.

Most of the surrounding erven have the exact same zoning and the development of these erven will start soon as private developers have already started to buy the properties from these Government officials. The intentions of the applicant are just not suited for this area.

The street itself is already in a bad shape as no maintenance is done on it. The situation will only be aggravated by the increased amount of traffic.

Discussion on Objection 1:

The objector does have a valid point. The impact of the proposed use will have a greater impact on the character of the area than what the primary use of the property holds itself. Once development of the surrounding properties commence the impact will be significant in terms of traffic. This unplanned additional increase in traffic will negatively impact on the tenant as he is situated directly across the property concerned. The fact that 9 garages are situated directly across the entrances of the property increase concern for the residents of Kolonnen Park as it is foreseen that there will be complainants of vehicles parking in front of the driveways. This will lead to numerous complaints.

Objection 2:

The proposed use has no limitations if the consent is approved. It is not understood why uses such as Bed & Breakfast, Residential Guest Houses, Pensions, etc. are limited to only 40% of the total floor area of the dwelling but the proposed use will be allowed to totally consume the primary use. The impact in terms of traffic and parking are far less for these accommodation uses than the proposed use. The Municipality is creating problems for itself when allowing such uses to operate to such large extent.

A draft policy was submitted to Planning Forum on the **11 October 2012** to better guide such consent uses on "*Single Residential*" and "*General Residential*" uses. This was referred back for discussion. Within this policy Places of Instruction, Places of Public Worship, etc are also limited to a 40% floor requirement. This will effectively deal with parking and traffic problems as well as retain the primary use as the main function. It is also recommended that the proposed consent use be placed on hold until the policy is finalized.

Discussion on Objection 2:

The objector does have a valid point. The Municipality limits all the Accommodation establishments to a specific percentage of floor area but yet a place of instruction, place of public worship, etc. are allowed to totally consume the primary use. By allowing a consent use to completely consume primary use of Single Residential and General Residential properties will create problems as stated by the objector. By limiting the floor area to be used it will limit the impact in terms of traffic. It is also recommended that the uses as indicated in the draft policy be limited as their impact is far more severe than those of accommodation establishments. It is the opinion that the proposed Draft Policy that is being attended to for the regulation of consent uses on Single Residential and General Residential even be finalised as soon as possible. This will effectively help to better control certain consent uses that totally consume the primary use which in actual fact is not desirable in certain zonings.

Objection 3:

It is a requirement to have a proper site plan accompany the application clearly indicating the parking in relation to the site. It is the opinion that the plan attached is not sufficient as it does not clearly indicate the parking in relation to the erf and the buildings on the premises.

Discussion on Objection 3:

This is also a valid point. It is the requirement of the Planning Section that a proper site plan be attached with the application that clearly indicates the parking in relation to the buildings and entrances of the property. In this case it was not done in the required manner.

Objection 4:

Another concern is where the 40 children will play during the day? With a number of cars parked on the premises the area where children can play will become very limited. Surely an Institutional property will be better suited for the use applied for. It should be pointed out that the applicant is of the intention to acquire another property from Council for a School.

Discussion on Objection 4:

After investigating the reason of objection it is found that the space for the children to play could be an issue. It is the opinion that the space is a bit small for 40 children to play especially with the cars of the teachers parked on the premises as well. An institutional zoned property will be better suited for such intended use.

Objection 5:

The information on the notice as placed in the newspaper and on the premises reflected wrongful information (Wrong telephone number). The information supplied to the applicant with regard to the notice was given through correctly by the staff of the Planning Section (See Annexure). After the first notice appeared in the newspaper the applicant was informed telephonically that the information on the notice was faulty. The applicant then changed the telephone number again to a wrong number. It is the opinion that the notice was purposely changed in order to evade the possibility of enquiries. From past experience on a Governmental level such misrepresentation of information lead to an invalid application. It was pointed out by Legal representatives of previous cases that the public was not properly informed or given a fair opportunity to

enquire and investigate the matter. Apart from other reasons for objection the above-mentioned is more than a valid reason to declare the application invalid. The applicant will thus be required to redo the whole process of advertisements as indicated in Clause 6 of the Swakopmund Town Planning Scheme.

Discussion on Objection 5:

The objector does have a strong case here. The information on file does indicate that the applicant was given the correct information and it seems that it was changed. It is unknown as to why the information was again wrongly changed when the applicant was informed of the misrepresentation. Reference is made to the application of Erf 546, Swakopmund, whereby the legal representatives pointed out the advertisement was made for a B&B and not a Residential Guesthouse although a B&B is defined under a Residential Guesthouse. The legal representative argued that the public was not properly informed and the applicant had to restart the procedures of Clause 6. It is the opinion that the applicant will have to redo the advertisement in order to ensure compliance and correctness of the process and information pertaining to the application.

Objection 6:

The Purpose of the Scheme: The general purpose of the Scheme is for the coordinated and harmonious development of the area of Swakopmund including where necessary the redevelopment of any part thereof which has already been subdivided and built upon, in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare as well as efficiency and economy and conservation of the existing character of the town, in the process of such development.

With regard to the foreseen impact that this proposed application will place on the area it can well be argued that the amenity, convenience and the general welfare of the area will be severely affected. This proposed use will severely affect the ambience of the neighbourhood as this quiet area will be transformed into a situation beyond its intended planned environment. The nature of the use applied for will not be secondary to the primary use and will most definitely impact negatively on the surrounding area.

Discussion on Objection 6:

The objector does have a valid point as the use applied for will totally consume the primary use and inflict conditions on the surrounding neighbourhood beyond the planned situation. It is the opinion that the intended use applied for will not conform to the purpose of the Scheme and will not promote coordinated and harmonious development in such a way as to promote order, amenity, convenience and general welfare in the area concerned.

Conclusion

It is the opinion that the intended use of the applicant is not fitting for the Erf concerned. The intentions of the applicant are of such nature that it will totally consume the primary use and inflict conditions on the surrounding area on a level far beyond the properties planned potential. The applicant is of the intention to purchase a property for the construction of a school and it is the opinion that the applicant rather waits and acquires the correctly zoned property for their intention. No matter what condition of approval is placed on the consent use it is the opinion that complaints with regard to cars blocking

garages and driveways will be received and the Municipality criticised for erroneous decisions making.

It is also recommended the consent uses such as Place of Instruction, Places of Public Worship, etc. be limited in terms of percentage of floor area to be used as is done with accommodation establishment. This will effectively deal with traffic and parking problems and lessen the impact on the surrounding area. It will also effectively ensure that the primary right of the property concerned is retained as it should be. It is the opinion that the draft policy as was previously submitted to Planning Forum be finalised and recommended to Council for approval.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the following application for permission to operate a “*Place of Instruction*” be approved:**
 - ***Erf 1328, Swakopmund, (10 Kolonnen Street) - Ms H Meyer t/a Swakopmund School of Excellence CC***
 - (b) That Mr A van der Westhuizen be informed of his right to object (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council’s decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.**
 - (c) That the Town Planning Section attends to the policy for the regulation of Consent Uses on Single Residential and General Residential erven in order to better regulate these uses.**
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11.1.47 **MESSRS SEA RESCUE INSTITUTE OF NAMIBIA**

- **ADVERTISING COST**
- **CHANGE OF INDEFINITE PERIOD**
- **COMPILATION OF LEASE AGREEMENT**

(C/M 2012/11/28 - N 7/2/4/1)

Ordinary Management Committee Meeting of 15 November 2012,
Addendum **10.4** page **33** refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction:

The Sea Rescue Institute of Namibia (SRIN) is a non-profit organisation providing rescue and emergency services to the public without remuneration. They are leasing the boathouse on **Erf 3562, Swakopmund** since **1 November 1982** for an indefinite period at an annual rental tariff of N\$1.00 / annum. Erf 3562, Swakopmund is located in Molenweg, adjacent to the Jetty. Map **attached** as **Annexure “A”**.

The Management Committee on **15 January 2009** resolved that all indefinite lease agreements be reviewed and a lease period of 9 years 11 months was proposed for the lease period of Sea Rescue Institute of Namibia (SRIN).

2. Councils' latest resolution passed

Council passed the following resolution on **24 March 2011** under item 11.1.8:

(a) *That Messrs Sea Rescue Institute of Namibia enters into a revised lease agreement with the Swakopmund Municipality for the lease of the boathouse located on Erf 3562, Swakopmund for a period of five (5) years to continue with the lifesaving operations at the beach and Mole areas, subject to the following conditions:*

- (i) *A notice period of termination of 3 months be applicable to both parties;*
- (ii) *Should the lessee cease to operate for a period of 90 days, the lease will automatically be cancelled;*
- (iii) *The lessee shall for the duration of the lease not be allowed to erect any permanent structures on the property. Any temporary structures erected on the property shall be constructed to the satisfaction of the Engineering Services Department and be aesthetically acceptable;*
- (iv) *The property shall not be used for any other purpose than for emergency, rescue and lifesaving operations of Messrs Sea Rescue Institute of Namibia;*
- (v) *The lessee arranges with Erongo RED for an electricity connection if required;*
- (vi) *Council or its authorised representative shall at all reasonable times have the right of access to the property hereby leased for the purpose of carrying out inspections in order to ensure that all applicable regulations and requirements are being complied with by the lessee;*
- (vii) *The lessee not be allowed to sub-let;*
- (viii) *The rental shall amount to N\$10.00 payable monthly, subject to a 10% escalation on the 1st of July annually and payable in advance on or before the seventh (7th) day of each month by the lessee to the lessor free of bank commission at the Municipal Office, Swakopmund;*
- (ix) *The lessee will be responsible for keeping the area clean at all times;*

- (x) *Council retains the right to utilize any part of the property for whatever purpose it needs;*
- (xi) *The lessee be responsible for all Municipal services and;*
- (xii) *That no over-nighting is permitted.*
- (b) *That an annual provision of N\$15 000.00 be budgeted for in Vote 104010102700 (Life Savers) to be allocated to Messrs Sea Rescue Institute of Namibia on condition that they provide lifesaving services during festive periods at the Swakopmund beach and Mole areas.*
- (c) *That the operations of Messrs Sea Rescue Institute of Namibia be extended to encompass all beach areas of Swakopmund.*

3. **Background:**

An official letter dated **1 April 2011** was forwarded to the Mr Plato and Mr Hull who are managing the Sea Rescue Institute of Namibia in the Erongo Region. No reply to date was received whether they accept Councils' lease conditions or anything in respect of the outstanding advert cost. After that, various attempts were made to get feedback from them, but to no avail.

On **21 September 2011**, Mr Hull notified Council via e-mail that he will inform Council of the further developments after their board meeting; and once again no feedback was received.

A reminder was sent to Mr Plato and Mr Hull per official letter dated **26 January 2012**, quoting the decision taken at the Special Management Committee Meeting on **25 November 2010** for ease of reference:

- (a) *That the water supply to the operation base of Messrs Sea Rescue Institute of Namibia (Swakopmund Office) be reconnected subject to the payment of a reconnection fee for use by Messrs Sea Rescue Institute of Namibia for the peak festive period (01 December 2010 until 31 January 2011).*
- (b) *That the current lease agreement be terminated by Council and a new lease agreement be considered, with the condition that should Messrs Sea Rescue Institute of Namibia cease to operate for a period of 90 days, the lease will automatically be cancelled.*
- (c) *That the provision of N\$15 000.00 in Vote 104010102700 be allocated to Messrs Sea Rescue Institute of Namibia for lifeguard duties at the Mole.*

4. **Current Situation**

The following important matters are still pending:

- ***Payment of Advertising Cost to advertise the changed lease period***
- ***Change of Indefinite Period***
- ***Conclusion of a fresh Lease Agreement***

It came to our attention that Mr Hull on behalf of **Messrs Sea Rescue Institute of Namibia** requested the Finance Department on **08 October 2012** to reconnect the water supply whereby the Credit Controller replied to him that he must contact the Corporate Service and Human Resources Department as there are pending matters which must be resolved. The Property Officer informed the Credit Controller per telephone that they should obtain permission from the Chief Executive Officer whether they can reconnect the water supply.

5. **Lifesaving Services and Operation of Station 2**

During the December / January holidays, the Swakopmund Municipality in conjunction with SRIN provide life saving services at the beach and Mole area. In the same manner, Council use to recruit two lifesavers to work at the Swimming Pool to provide the same service to the many visitors and residents who flock to these areas during this period.

Although SRIN deliver lifesaving service to the community and tourists at the beach area during peak seasons, they do not give feedback on what their future intentions are. Due to the lack of co-operation it seems as if they do not want to commit themselves by entering into a lease agreement stipulating a definite period. It should be kept in mind that the indefinite contract is valid.

6. **For Information**

Messrs Sea Rescue Institute of Namibia (SRIN) will be **relocated** to the Waterfront once the on-going constructions are finalised. It should also be noted that the indefinite contract is still not replaced with an agreement stating a **definite period**, due to the outstanding advert cost and commitment of them.

Every December **SRIN** receives a **donation** from Council to render lifesaving services at the beach to the amount of **N\$15 000.00** which is defrayed from the **Life Savers Vote 104010102700**.

7. **Conclusion**

It is recommended that the lease agreement be reviewed for possible cancellation after the festive season in **2013** due to the lack of response from **Messrs Sea Rescue Institute of Namibia (SRIN)**.

8. **Information**

The application of **Messrs Sea Rescue Institute of Namibia (SRIN)** was discussed at Planning Forum on **23 October 2012** and it was concluded that the General Manager: Community Development Services investigates options to establish a partnership with **Messrs Sea Rescue Institute of Namibia** with regard to the use of the NSRI building at the Jetty.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council takes note that **Messrs Sea Rescue Institute of Namibia (SRIN)** will be **relocated** to the Waterfront once the on-going construction is finalised.
 - (b) That **Messrs Sea Rescue Institute of Namibia (SRIN)** confirms in writing whether they intend entering into a definite lease agreement on / before Thursday, **28 February 2013**.
 - (c) That the advertising cost be paid upon notification.
 - (d) That Council considers the **cancellation** of the indefinite lease agreement after the festive season, should no response be received from **Messrs Sea Rescue Institute of Namibia (SRIN)** as per point (b) above.
-

11.1.48 **LEASE OF A PORTION LAND LOCATED ON ERF 2747, SWAKOPMUND:**

- **PROPOSED RENTAL AMOUNT PER MONTH**
- **ACCESS THROUGH PAINTBALL AREA; EXACT SIZE & LAY OUT**

(C/M 2012/11/28 - E 2747)

Special Management Committee Meeting of 28 November 2012, Addendum 5.1 page 01 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction

After considering the lease application of **Messrs Kazak African Experience Cultural Tourism** submitted to the Management Committee on **16 August 2012**, Council passed the following resolution on **30 August 2012**:

- (a) *That the proposal for the rezoning of Erf 2747 from "Special" for the purpose of Holiday Houses and Caravan Park to "Special" for the purpose of Holiday Houses, Caravan Park, Business Use and Tourism Related Activities be approved.*
- (b) *That the lease of a portion of land situated on Erf 2747, Swakopmund for a period of five (5) years to Messrs Kazak African Experience Cultural Tourism be held in abeyance until (a) above is completed.*
- (c) *That the rental be N\$0.30/m² which is the same as Messrs Swakopmund Paintball Adventures.*
- (d) *That the exact location and size of the lease area be determined by the Engineering Services Department and be provided to the Property Section to be incorporated and attached to the lease agreement.*
- (e) *That access be provided to the portion and the route be determined by the Engineering Services Department; with permission to be obtained from Mr P H van Ginkel of Messrs Swakopmund Paintball Adventures.*
- (f) *That the lease as set-out in (a) above be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended, at the cost of the applicant.*

The matter has been reconsidered and in view of the fact that it will remain Council's property and Council stands to derive an income from the lease of the property, it is proposed that the lease can proceed whilst the statutory procedures of rezoning are underway.

2. Amendment to Council's Resolution

In order to allow **Messrs Kazak African Experience Cultural Tourism** to proceed with his venture on a portion of Erf 2747, Swakopmund while the rezoning of the said erf is being finalized, it is necessary to amend point (b) of Council's resolution passed on **30 August 2012** to read:

- (b) *That the lease of a portion of land situated on Erf 2747, Swakopmund for a period of five (5) years to Messrs Kazak African Experience Cultural Tourism be permitted to proceed while the process in (a) above is completed, subject to (f) below.*

3. **Lease Ventures currently being operated on Portions of Erf 2747, Swakopmund**

Stated for information, the following lease ventures are currently being operated from portions of Erf 2747, Swakopmund:

- 3.1 *P Sneider t/a Dessert Tavern*
- 3.2 *P H B van Ginkel t/a Swakopmund Paintball Adventure Centre*
- 3.3 *Fiscon Investments*

At the same time Council used a portion of Erf 2747 (now Erf 955, Swakopmund) as the fish cleaning area prior to it being subdivided.

4. **Current Situation**

With reference to point (e) of Council's resolution, Mr P H B van Ginkel was invited to a meeting to discuss access over his lease area for Messrs Kazak African Experience Cultural Tourism. Due to Mr P H B van Ginkel's busy schedule requiring trips out of town a date has not yet been scheduled. The matter is receiving attention and will be attended to in due course.

5. **Annexures**

- 5.1 *Annexure "A" - submission tabled to Management Committee of 16 August 2012*
- 5.2 *Annexure "B" - resolution passed by Council on 26 July 2012 and 28 April 2011*

B. **After the matter was considered, the following was:-**

RECOMMENDED:

- (a) **That point (b) of Council's resolution passed on 30 August 2012 under item 11.1.5 be repealed and be replaced with the following:**

(b) That the lease of a portion of land situated on Erf 2747, Swakopmund for a period of five (5) years to Messrs Kazak African Experience Cultural Tourism be permitted to proceed while the process in (a) above is completed, subject to (f) below.

- (b) **That the lease conditions approved by Council on 26 July 2012 under item 11.1.3 remain in place, except that point (d) (i) be amended to read that a deposit of one (1) month's rental be levied; instead of two (2) month's rental to be inline with Council's resolution passed on 28 April 2011.**
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11.1.49 **REZONING OF ERVEN RE/444, 466 AND 773 SWAKOPMUND FROM “PARASTATAL” TO “GENERAL BUSINESS” WITH A BULK OF 2.0 AND SIMULTANEOUS CONSOLIDATION OF ERVEN RE / 444, 466 AND 773 INTO CONSOLIDATED ERF Y; CONSENT TO COMMENCE WITH CONSTRUCTION ON CONSOLIDATED ERF Y**

(C/M 2012/11/28 - E 444 RE, E 466, E 773)

Special Management Committee Meeting of 28 November 2012, Addendum 5.2 page 05 refers.

A. The following item was submitted to the Management Committee for consideration:

Application was received from Stubenrauch Planning Consultants on behalf of their client, TransNamib Holdings, for the rezoning of Erven Re/444, 466 and 773 Swakopmund from “Parastatal” to “General Business” with a bulk of 2.0 and simultaneous consolidation of Erven Re/444, 466 and 773 into consolidated Erf Y and consent to commence with construction on consolidated Erf Y.

These erven are subject to a registration of Notarial Lease between TransNamib and Bahnhof Square Development (See Notarial Lease Agreements) “**Annexure A**”.

Erven Re/444, 466 and 773 are located west of the industrial area of Extension 10. These erven are currently being used by TransNamib and accommodate the railway line heading into Swakopmund. The Swakopmund Train Station is located on erf 466. These Erven all have a “*Parastatal*” zoning and are 8, 0299ha, 7, 6467ha and 5, 4282 ha in extent.

The applicant also wished to rezone Erven Re/444, 466 and 773 to “General Business” with a bulk of 2 in order to accommodate the proposed Bahnhof Square. Rezoning these erven to “*General Business*” with a bulk of 2 will not have a negative impact on the surrounding character of the area due to their close proximity to the Central Business District and the Industrial area in Extension 10. The applicant simultaneously wants to consolidate these three (3) erven, while the rezoning is in process into proposed Erf Y.

The applicant requested consent to start construction on the proposed consolidated Erf Y while the rezoning process is in progress but according to Ordinance 18 of 1954, the zoning only takes effect once the Minister has given his approval. Section 26.(2) of the ordinance states: “**After the approval of a scheme the Minister shall give notice of such approval in the Gazette and shall come into operation upon the publication of such notice, and thereafter be referred to as an approved scheme**”. It is not advised to allow this request to be granted.

The intended rezoning was advertised in the Namib Times and New Era on 3rd and 11th of May 2012. A notice was also placed on-site. In addition letters were sent to the surrounding properties by means of registered mail to inform their owner’s of the applicant’s intentions. The closing date

for objections was on 31st May 2012 and 5 objections were received of which only 2 objections are relevant to this submission.

Objections received from Mr H Gruttemeyer owner of Erf 3566, Swakopmund were as follows:

- 1) Trans Namib has never paid rates and taxes; therefore it is not justifiable against the Swakopmund rate payer. A substantial Betterment Fee must be applicable for advantage of Swakopmund residence.**

Discussion

The issue raised here is irrelevant to the proposed rezoning application. TransNamib is the rightful owner and has the right to apply for rezoning if it is deemed necessary. The betterment fee, if applicable, shall be levied in accordance with the Betterment Fee Policy as approved by the Minister.

- 2) Town Planning wise: if the railway station is to be relocated, the main road B2 should also be accommodated as the old existing railway reserve.**

Discussion

The land in question belongs to TransNamib and it is not for the Municipality to decide whether the B2 should be rerouted across these portions of land. The Municipality can discuss this issue with the owner's but this area has already been earmarked for the proposed development.

- 3) Electrical - E-Red has never been notified about the matter. A substantial network contribution is therefore required.**

Discussion

The issue raised has nothing to do with rezoning of the property. The project is still in the planning phases and the developer will surely consult with E-Red at a later stage.

- 4) Historical Buildings are involved. What happens to these (then)?**

Discussion

The developer employed Architects to attend to these issues. They will consult with the National Heritage Council as to the best way to deal with these issues. Once again this issue cannot be seen as a valid reason not to support the rezoning.

- 5) The fifth objection however was received by an adjacent neighbour. The owner of Erf 2774, Mr J Klein of the Salt Company argues that:**

Erven 444/773/466 involves the railway line that feeds our Salt Siding.

Under no circumstances is it possible to relocate the rail line, as the load facility (shed) is built in such a way that the rail trucks can only be loaded where the present line as is.

Salt Company is one of the main users of the TransNamib rail line for the past 75 years.

We are very strongly against a rezoning and/or development which interfere with the rail line as it destroys our complete Salt Business.”

Discussion

The Salt Company is a client of TransNamib and if they wish to remove their infrastructure then the client must adapt to the new situation. The client cannot insist that TransNamib adhere to their needs and wants. There are no agreements between the Salt Company and TransNamib with regard to the supply of a rail service. The last valid transport contract between the two parties already expired in 2011 (See transport Contract “**Annexure B**”). It should be noted that due to no obligation to the Salt Company the railway line can be removed but the developer understands the situation of the Salt Company. Bahnhof Square Development who is the lease holders in terms of the Notarial Lease did have meetings with the Salt Company and the Municipality and indicated their willingness to accommodate the Salt Company. (**See Annexure C**). It was also pointed out in the meeting that a technical committee will be established to find the best possible solution.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council approves the rezoning of Erven Re/444, 466 and 773, Swakopmund, from “Parastatal” to “General Business” with a bulk of 2.0.**
 - (b) That Council approves the consolidation of Erven Re/444, 466 and 773 Swakopmund into proposed consolidated Erf Y.**
 - (c) That the application for consent to start with construction on proposed consolidated Erf Y while the rezoning is in progress not be supported.**
 - (d) That the approved rezoning applications be included in the next Amendment Scheme for approval by the Honourable Ministry of Regional and Local Government, Housing and Rural Development.**
 - (e) That Messrs J Klein and H Grüttemeyer be informed of their right to object (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council’s decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.**
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11.1.50 **REZONING OF ERF 3777, SWAKOPMUND FROM “UNDETERMINED” TO “GENERAL BUSINESS” WITH A BULK OF 2.0; CONSENT TO COMMENCE WITH CONSTRUCTION ON ERF 3777 WHILE THE REZONING IS IN PROCESS; SIMULTANEOUS CONSOLIDATION OF ERVEN 3656 AND 3777 SWAKOPMUND INTO CONSOLIDATED ERF**

X

(C/M 2012/11/28 - E 3777, E 3656)

Special Management Committee Meeting of 28 November 2012, Addendum 5.3 page 102 refers.

A. The following item was submitted to the Management Committee for consideration:

Application was received from Stubenrauch Planning Consultants on behalf of their client, TransNamib, for the rezoning of Erf 3777, Swakopmund from “*Undetermined*” to “*General Business*” with a bulk of 2.0 and consent to commence with construction on Erf 3777 while the rezoning is in process and simultaneous consolidation of Erven 3656 and 3777 Swakopmund into consolidated Erf X.

Erven 3777 and 3656 Swakopmund are located along and on the corner of Moses Garoeb Street and Mandume Ya Ndemufayo Street. The erven measure approximately 16325m² and 8009m² in extent. Erf 3777 is zoned “*Undetermined*” and currently accommodates the Little Foot Nursery, Coastal Couriers, Magic Car Wash and Paradise Lounge while Erf 3656 is zoned “*General Business*” with a bulk of 2.0 and accommodates an old siding and a night club.

It is the intention of the client to develop a Life Style Centre on the property and to use the erven to their full potential. The client wishes to rezone Erf 3777 in order to consolidate it with Erf 3656 located on the western boundary of Erf 3777. Consolidating these 2 erven can only take place once both erven have the same zoning. Once the rezoning of Erf 3777 is approved, then only can Erf 3777 be consolidated with Erf 3656 into consolidated Erf X. The rezoning of Erf 3777 will have no negative impact on the surrounding area since this erf is located between the Central Business District and the Industrial area in Extension 10. Similar zoned erven are located in close proximity of Erf 3777.

The applicant requested consent to start construction on Erf 3777 while the rezoning process is in progress; this can unfortunately not be allowed. Ordinance 18 of 1954 states that the zoning only takes effect once the Minister has given his approval. Section 26.(2) of the ordinance states: “**After the approval of a scheme the Minister shall give notice of such approval in the Gazette and shall come into operation upon the publication of such notice, and thereafter be referred to as an approved scheme**”. If consent is granted and construction continues and for some unknown reason the rezoning is not supported by the Minister then the Municipality sits in the predicament whereby buildings are erected for a use that is not allowed on the property.

The intended rezoning was advertised in the Namib Times and New Era on 3rd and 11th of May 2012. A notice was also placed on-site. In addition

letters were sent to the surrounding properties by means of registered mail to inform them of the owner's intentions. The closing date for objections was on 31st May 2012 and 5 objections were received against the full application. Only 3 of the 5 objections received are relevant to this submission pertaining the rezoning of Erf 3777 and consolidation with Erf 3656.

The first 3 objections received all come from the tenants on Erf 3777 Swakopmund.

Little Foot Nursery, Coastal Couriers and Magic Car Wash have objected to the rezoning and development of Erf 3777. They argue that they as tenants were not informed of the rezoning and that they have a 5 year lease agreement with TransNamib Holdings with an option to renew. They further stated that they will suffer great losses should they have to relocate immediately.

These objections are irrelevant to this application since the issues mentioned above are between the owner and the tenants of Erf 3777. The owner has the right to apply for other development rights on the property. The objectors should take their issues up with TransNamib Holdings. The Municipality will not get involved in any potential dispute between the owners of the property and their tenants as the lease agreements are none of Councils concern.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council approves the rezoning of Erf 3777 Swakopmund from “*Undetermined*” to “*General Business*” with a bulk of 2.0.**
 - (b) That Council approves the consolidation of Erf 3777 with Erf 3656 Swakopmund into proposed consolidated Erf X on condition that the rezoning of Erf 3777 is approved by the Ministry of Regional and Local Government, Housing and Rural Development.**
 - (c) That Council does not approve the consent to start with construction on Erf 3777 Swakopmund while the rezoning is in progress.**
 - (d) That the approved rezoning applications be included in the next Amendment Scheme for approval by the Honourable Ministry of Regional and Local Government, Housing and Rural Development.**
 - (e) That Messrs D Harmse, D Posthuma, KFJ Eisenberg be informed of their right to object (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.**
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